

Chapter 35

VEHICLES FOR HIRE¹

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ARTICLE I. IN GENERAL

Secs. 35-1 -- 35-16. Reserved.

¹ **Cross references** -- Advertising, Ch. 3; metropolitan transient authority, Ch. 23; motor vehicles and traffic, Ch. 24; operation of vehicles in parks, §26-3; certain commercial vehicles, etc., prohibited in city parks, §26-5; streets and sidewalks, Ch. 32.

State law references -- Motor carriers, T.C.A., §65-15-101 et seq.; exemption of taxicabs from portion of motor carriers chapter, §65-15-103(4); municipal authority to regulate jitneys, §§65-19-102, 65-19-105; authority to regulate taxicabs, §7-56-102.

**ARTICLE II. TAXICABS, LIMOUSINES, SHUTTLES, AND
MOTOR VEHICLES TRANSPORTING PASSENGERS FOR HIRE**

DIVISION 1. TRANSPORTATION BOARD

Sec. 35-17. Created; membership; term of office and compensation of members; votes required for action of the board.

(a) The Transportation Board previously created shall be reconstituted as provided herein. Such Board shall consist of seven (7) public members to be appointed by the Mayor and confirmed by the City Council who shall serve without compensation. The terms of the members shall be three (3) years, except that of the initially appointed new members shall serve for one (1) year, one (1) for two (2) years, and three (3) for three (3) years as designated at the time of appointment and until their successors are appointed. Whenever a vacancy occurs, the vacancy shall be filled for the unexpired term in the same manner as the original appointment. No person shall serve on the Board for more than two (2) consecutive complete terms. The four (4) current public members of the Transportation Board with unexpired terms shall continue to serve until their terms expire.

(Ord. No. 9784, § 1, 9-8-92; Ord. No. 9799, § 2, 10-6-92; Ord. No. 9940, § 1, 8-24-93; Ord. o. 10268, § 1, 7-25-95; Ord. No. 12092, §3, 3-18-08; Ord. No. 12239, § 1, 5-12-09; Ord. No. 12712, § 1, 3-26-13)

Sec. 35-18. Secretary; treasurer.

(a) The Mayor or Department head shall designate a secretary for the Transportation Board who shall serve as the custodian of its records.

(b) The City Treasurer shall issue permits for those persons, companies, and vehicles approved by the Transportation Board, bearing individual numbers for each taxicab licensed under such permit. Prior to issuing such permits, the City Treasurer shall collect such fees therefor as are authorized by this Article.

(Ord. No. 9784, § 1, 9-8-92; Ord. No. 12092, §4, 3-18-08)

Sec. 35-19. Jurisdiction; appeals.

The Transportation Board shall have exclusive jurisdiction of the licensing and regulation of all vehicles for hire that are subject to this Chapter and shall constitute the sole administrative agency for the administration of all laws and ordinances relating to the licensing and regulation of all vehicles for hire, to issue certificates of convenience and necessity for the operation of vehicles for hire and to determine the number of vehicles for hire needed for the furnishing of transportation to the inhabitants of the city and the public in general. There is hereby imposed upon such Board the authority, power and duty to enforce

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the provisions of this ordinance, provided that nothing in this Section shall be construed to prohibit any court from imposing penalties provided by this Code for any violation of this Article. The actions of the Transportation Board shall be final, subject to such judicial appeal as may be allowed by law.

(Ord. No. 9784, § 1, 9-8-92; Ord. No. 12092, §5, 3-18-08)

Sec. 35-20. Transportation inspector(s).

The Mayor shall appoint one (1) or more persons as transportation inspector(s). The transportation inspector(s) may have other duties. If the transportation inspector(s) is not a regular police officer, he or she shall be appointed as a special police officer authorized to issue citations for violations of this Article.

(Ord. No. 9784, § 1, 9-8-92; Ord. No. 12092, §6, 3-18-08)

Sec. 35-21. Duties of chief of police and traffic engineer.

The chief of police and the traffic engineer shall advise the Board when requested concerning those matters of public safety and proper traffic control.

(Ord. No. 9784, § 1, 9-8-92)

ARTICLE III. REGULATION OF TAXICABS, LIMOUSINES, SHUTTLES, AND MOTOR VEHICLES TRANSPORTING PASSENGERS FOR HIRE

DIVISION 1. GENERALLY

Sec. 35-22. Definitions.

The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them by this section:

Airport limousine: Every vehicle designed and/or constructed to accommodate and transport passengers, not more than twelve (12) in number, exclusive of the driver, having an operating agreement with an airport providing for a fixed passenger fare and a fixed schedule, the principal operations of which airport limousine is confined to areas between the airport and fixed points in municipalities, counties and the suburbs of the same within a forty (40) mile radius of such airport.

Certificate or certificate holder: A certificate of public convenience and necessity issued by the Transportation Board, authorizing the holder thereof to conduct a vehicle for hire business within Chattanooga.

Chauffer: Every person who is employed by another for the principal purpose of driving a motor vehicle and every person who drives a school bus transporting school

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children or any motor vehicle when in use for the transportation of persons or property for compensation.

Commercial passenger boat company: A company that operates one (1) or more passenger vessels for hire upon navigable waterways.

Commuter van: A motor vehicle, except taxicabs or airport limousines, used primarily for hauling not more than fifteen (15) passengers to and from their regular places of employment.

Contract hauler: Any person, firm or corporation engaged in the transportation for compensation or hire of persons and/or property for a particular person or corporation to or from a particular place or places under special or individual agreement or agreements, and not operating as a common carrier and not operating exclusively within the corporate limits of an incorporated city or town, or exclusively within the corporate limits of such city or town and the suburban territory adjacent thereto, except "contract hauler" does not exclude those engaged in the transportation of mobile homes for hire or compensation within an incorporated city or town.

Company: A person or entity issued a certificate of public convenience and necessity to operate a vehicle for hire under this Chapter.

Cruising: The driving of a vehicle for hire, except horse drawn carriages or pedicabs, on the streets, alleys or public places of Chattanooga in search of or soliciting prospective passengers for hire.

Department: The City of Chattanooga Police Department unless otherwise indicated or unless the context otherwise requires.

Driver's permit: The permission granted by the Transportation Board to drive or operate a vehicle for hire upon the streets and public highways of the City of Chattanooga.

For-hire motor carrier: A person engaged in the transportation of goods or passengers for compensation.

Holder: A person to whom a certificate of public convenience and necessity has been issued.

Household goods: Personal belongings transported from one residence to another by a motor carrier.

License to operate a vehicle: Any operator's or chauffeur's license or any other license or permit to operate a motor vehicle to transport passengers for hire under this Chapter.

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Limousine: Any motor vehicle except a taxicab or sedan designed or constructed to accommodate and transport passengers for hire, with an extended wheel base and expanded seating capacity designed for the transportation of persons. The vehicle shall have additional rear seating capacity, area, and comforts; and shall be designed to transport not more than fourteen (14) persons, exclusive of the chauffeur/driver, and the principal operation of such vehicle is confined to the area within the corporate limits of cities and suburban territory adjacent thereto.

Manifest: A daily record prepared by a driver or dispatcher of a vehicle for hire of all trips made by such driver, showing time and place of origin, destination, number of passengers and the amount of fare of each trip.

Motor carrier: Any person, firm, partnership, association, joint stock company, corporation, lessee, trustee, or receiver appointed by any court whatsoever, operating any motor vehicle with or without semitrailers attached, upon any public highway for the transportation of persons or property, or both, or for providing or furnishing such transportation service, for hire as a common carrier.

Motor transportation agent: Any person, firm, partnership, association or corporation engaged, as principal or agent, in the selling, offering for sale, negotiation for, soliciting by advertisement or otherwise, arranging as an intermediary or otherwise, or that holds such person or firm out as one who sells, provides, furnishes or arranges for, transportation for any person or persons over the highways of this state upon a share-expense plan or for fixed compensation, either in the private motor vehicles of persons not motor carriers or contract haulers not holding certificates of convenience and necessity, interstate permit, or contract hauler's permit permitting the transportation of passengers over such highways between the points for which such transportation is sold or provided, vehicle for hire does not apply to the transportation of children to and from school or for the Chattanooga Regional Transit Authority.

Motor vehicle: Any automobile, automobile truck, motor bus, for hire motor carrier, private carrier, shuttle, sedan, van, truck bus or any other self-propelled vehicle not operated or driven upon fixed rails or tracks engaged in the business of transporting passengers for hire on the streets, roads and public highways of the City of Chattanooga.

Owner: A person, entity or company authorized to operate a vehicle for hire business under this Article. (Ord. No. 12412, § 1, 7-13-10)

Permit: The authority given by the Transportation Board to drive or operate a vehicle for hire upon the streets and public highways of the City of Chattanooga.
(Ord. No. 12412, § 2, 7-13-10)

Privilege: The authority given by the Transportation Board to own and operate a

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vehicle for hire under the umbrella of a valid Certificate Holder upon the streets and public highways of the City of Chattanooga. A Privilege Holder is not required to be a Certificate Holder, but must operate a vehicle for hire under the umbrella of a Certificate Holder.

(Ord. No. 12412, § 2, 7-13-10)

Private carrier: A person who provides transportation of property or passengers by a commercial motor vehicle and who is not a for-hire motor carrier.

Public highway: Every public street, alley, road, highway, or thoroughfare of every kind in the City of Chattanooga used by the public, whether actually dedicated to the public and accepted by the proper authorities or otherwise.

Rate card: A card issued by the transportation inspector(s) for display in each taxicab or vehicle for hire as applicable, which contains the rates of fare then in force.

Sedan: Any motor vehicle except a limousine or taxicab designed or constructed to accommodate and transport passengers for hire that does not have an extended wheel base or an expanded seating capacity designed for the transportation of persons. The vehicle has no additional rear seating capacity, area or comforts; is designed to transport not more than five (5) passengers, exclusive of the chauffeur/driver, the principal operation of which is confined to the area within the corporate limits of cities and suburban territory adjacent thereto, and is not operated on a fixed route or schedule.

Shuttle: Any motor vehicle designed or constructed to accommodate and transport not more than fifteen (15) passengers for hire, exclusive of the driver, the principal operation of which is confined to the area within the corporate limits of cities and suburban territory adjacent thereto, and is operated on a fixed route or schedule.

Taxicab or tax: Any motor vehicle except a limousine or sedan designed or constructed to accommodate and transport not more than nine (9) passengers for hire, exclusive of the driver, the principal operation of which is confined to the area within the corporate limits of cities and suburban territory adjacent thereto, and is not operated on a fixed route or schedule.

Taxicab stand: A place alongside a street, or elsewhere, where the traffic engineer has authorized a holder of certificate of public convenience to park for picking up or discharging passengers.

Taximeter: A meter instrument or device attached to a taxicab which measures mechanically the distance driven and the waiting time upon which the fare is based.

Vehicle for hire: Any person, firm, partnership, association or corporation engaged, as principal or agent, in the selling, offering for sale, negotiation for, soliciting by advertisement or otherwise, arranging as an intermediary or otherwise, or that holds such

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person or firm out as one who sells, provides, furnishes or arranges for, transportation for any person or persons over the streets, roads and public highways of the City of Chattanooga for a fare, fee or any form of remuneration or upon a share-expense plan or for fixed compensation, either in private or for hire motor vehicles or in the private motor vehicles of persons not motor carriers or contract haulers, an operator under an interstate permit or contract hauler's permit permitting the transportation of passengers over such highways between the points for which such transportation is sold or provided. Vehicle for hire does not apply to the transportation of children to and from school, the Chattanooga Regional Transit Authority, or courtesy vehicles. Vehicle for hire for purposes of regulation under this Chapter does not include any motor vehicle to the extent that such motor vehicle is regulated in a particular area by the Tennessee Department of Safety. Vehicles for hire include pedal carriages and rickshaws as modes of transportation-for-hire within entertainment, dining, scenic and/or historic areas of the center city and the use of electric personal assistive mobility devices or segways (EPAMDs) to transport passengers for hire.

(Ord. No. 12412, § 3, 7-13-10)

Waiting time: The time when a taxicab is not in motion from the time of acceptance of a passenger to the time of discharge, but such term does not include any time that the taxicab is not in motion if due to any cause other than the request, acts or fault of a passenger.

(Ord. No. 9784, § 1, 9-8-92; Ord. No. 12092, §7, 3-18-08; Ord. No. 12412, § 3, 7-13-10)

Sec. 35-23. Equipment and maintenance of vehicles; appeals.

(a) *Inspection.* Prior to the use and operation of any vehicle under the provisions of this article, such vehicle shall be thoroughly examined and inspected by the transportation inspector(s), and found to comply with the following minimum standards:

- (1) All tires, where applicable, shall have more than three thirty-seconds (3/32nds) of an inch of tread.
- (2) All vehicles for hire shall have an operable horn; a rear-view mirror; two (2) operable headlights; operable turn signals; and two (2) operable tail lights.
- (3) The windshield must be unbroken and must be equipped with operable wipers.
- (4) The motor vehicle's exhaust system and muffler must be in proper operating condition.
- (5) The brakes and emergency brakes must be in working condition.
- (6) There can be no major body damage and body replacement parts must match the original part in color. Any damage in excess of a five hundred dollar (\$500.00) repair cost shall be deemed to be major property damage; however,

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any property damage which affects passenger comfort, convenience, or safety is also considered major property damage. Any major property damage shall be repaired within sixty (60) days of the event giving rise to the damage.

- (7) The interior of the vehicle for hire shall be clean, with no torn seats, unpleasant odors, or broken windows.
- (8) All doors of the vehicle for hire shall be in working order.
- (9) All vehicles for hire shall be equipped with a taximeter and the owner shall certify to such meter being in proper working order unless otherwise authorized by the Board for contract services.
- (10) Each vehicle shall be equipped with the same number of seat belts as was installed on the vehicle at the time of its manufacture.
- (11) All taxis shall be equipped with two-way radios or cellular phones.
- (12) All taxis shall have clear and visible identification numbers of size four (4) inches or larger, not to exceed three (3) digits placed on each side and on the rear of the taxicab.
- (13) Each vehicle for hire shall be equipped with the same number of seat belts as was installed on the vehicle at the time of its manufacture.
- (14) Subject to applicable ordinances related to advertising and the rules of the Transportation Board, it shall be lawful for any vehicle for hire to permit advertising matter to be affixed to or installed in or on such vehicles for hire. Bumper stickers are prohibited.
- (15) Subject to the rules of the Transportation Board, it shall be lawful for any vehicle for hire to permit safety devices, including shields, alarms, cameras or cash boxes in or on such vehicle for hire.

(b) *Periodic inspections.* Every vehicle operating under this article shall be inspected annually by the transportation inspector(s) to insure the continued maintenance of safe operating conditions. A vehicle for hire may be inspected at any time.

(c) *Cleanliness.* Every vehicle operating under this article shall be kept in a clean and sanitary condition, and shall at all times meet the minimum conditions set forth in subsection (a).

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(d) *Appeals.* All decisions of the Transportation Inspector(s) shall be appealable to the Transportation Board provided the owner or operator shall file written notice of appeal within thirty (30) days following the action of the Transportation Inspector(s). (Ord. No. 9784, § 1, 9-8-92; Ord. No. 9799, §§ 3-5, 10-6-92; Ord. No. 12092, §§2 and 8, 3-18-08)

Sec. 35-24. Designation of company name; color scheme and insignia.

(a) Each vehicle for hire shall bear on the outside of each front door, in painted letters, not less than four (4) inches nor more than six (6) inches in height, the name of the company and, in addition, may bear an identifying monogram or insignia. No vehicle covered by the terms of this article shall be licensed whose color scheme, identifying design, monogram or insignia to be used thereon shall in the opinion of the Transportation Board conflict with or imitate any color scheme, identifying design, monogram or insignia used by a vehicle already operating under this article in such manner as to be misleading or tend to deceive or defraud the public. If, after a certificate of public convenience and necessity has been issued for a vehicle for hire under this article, the color scheme, identifying design, monogram or insignia thereof is changed so as to be, in the opinion of the Transportation Board, in conflict with or imitate any color scheme, identifying design, monogram or insignia used by any other person, owner or operator, in such manner as to be misleading or tend to deceive the public, the certificate of or certificate covering such taxicabs shall be suspended or revoked.

(b) Taxicabs or other vehicles for hire subject to this chapter currently licensed may continue to operate with existing exterior marking and color schemes up to sixty (60) days from the date of the adoption of this ordinance; but thereafter all vehicles operating from the same taxi stand shall be required to adopt unique color and exterior marking schemes as provided in subsection (a).

(c) Once a vehicle for hire shall cease to be operated as a motor vehicle used to transport passengers for hire and permitted or licensed hereunder, it shall not be operated for any other purpose until such exterior markings identifying the vehicle as a motor vehicle used to transport passengers for hire are obliterated. (Ord. No. 9784, § 9-8-92; Ord. No. 9799, § 6, 10-6-92; Ord. No. 12092, §9, 3-18-08)

Sec. 35-25. Taximeters.

All vehicles for hire operated under the authority of this article shall be equipped with taximeters fastened in front of the passengers, visible to them at all times day and night. After sundown, the face of the taximeter shall be illuminated. Such taximeters shall be operated mechanically by a device of standard design and construction, driven either from the transmission or from one of the front wheels by a flexible and permanently attached driving mechanism. Each taximeter shall have thereon a flag to denote when the vehicle is employed and when it is not employed. It shall be the duty of the driver to throw the flag of

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such taximeter into a recording position at the beginning of each trip and to throw the flag of such taximeter into a non-recording position at the termination of each trip. Taximeters shall be subject to inspection from time to time by the transportation inspector(s). Any inspector is hereby authorized, either on complaint of any person or without such complaint, to inspect any meter, and upon discovery of any inaccuracy therein, to notify the person operating such vehicle for hire to cease operation. Thereupon, such vehicle for hire shall be kept off the highways until the taximeter is repaired and in required working condition. The provisions of this section shall not apply to a vehicle for hire that has been approved by the Transportation Board to charge a fare or compensation on a contract basis without the use of a taximeter.

(Ord. No. 9784, § 1, 9-8-92; Ord. No. 12092, §10, 3-18-08)

Sec. 35-26. Rates of fare - schedule.

(a) No owner or driver of a taxicab shall charge a greater sum for the use of a taxicab than the rates set below:

- (1) There is hereby established a maximum rate to be charged for taxicab service. The maximum charge for actuating the meter shall be no greater than two dollars (\$2.00). The maximum charge for each one-tenth (0.10) of a mile thereafter shall be no greater than twenty cents (\$0.20). The rate shall be subject to a performance review by the Office of the Mayor.
- (2) Nothing contained in this subsection shall prohibit a certificate holder from making a contractual agreement with any passenger, company, agency or organization to furnish transportation for employees, associates, clients, patients, customers or members at a rate that is based on mileage, number of passengers, number of trips, number of passenger hours, weekly or monthly fees, or any other reasonable and calculable basis, irrespective of the mileage charges, minimum charges, and waiting time charges contained in this chapter or the certificate holder's filed rates for ordinary radio dispatch, taxicab stand, personal call or hailed service. Such a contractual agreement that provides for rates that differ from the rates ordinarily charged by the taxicab operator must be recorded upon a written document that is legally executed by all parties and kept on file at the certificate or permit holders place of business subject to inspection at any time by the Transportation Board or Inspector.
(Ord. No. 12412, § 4, 7-13-10)
- (3) All taxicab drivers shall drive the shortest and most direct route in transporting a passenger from the point of pick-up to the point of destination unless requested otherwise by the passenger.
- (4) There will be an additional charge for waiting time which shall be up to a maximum of twenty cents (\$0.20) for each one (1) minute of waiting.

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Waiting time shall be charged only for stops or delays caused by the passenger(s) and shall not apply to stops or delays due to any other cause.

- (5) The Transportation Board may establish one or more "meter zones" where all trips that have their origin and destination in the zone may be charged a flat rate providing the rate shall be less than or substantially equivalent to the rates authorized under paragraph (a) of this Section.
- (6) The Transportation Board may establish a single fare structure for all taxi trips beginning or ending at Lovell Field with origin or destination within Chattanooga's corporate limits which fare shall be reasonably related to the cost of providing such services.
- (7) The transportation inspector(s) shall furnish rate cards to the holders of certificates of public convenience and necessity. Said rate cards shall be displayed conspicuously in each taxicab. Failure to display said rate card in a conspicuous manner shall be grounds for revocation or suspension of the privilege for the taxicab failing to display the rate card.
(Ord. No. 12412, § 5, 7-13-10)
- (8) The Transportation Board may approve temporary emergency rates for sixty (60) days.

(b) No owner, driver or operator of a vehicle for hire without a taximeter shall charge a greater sum for the use of a vehicle for hire than the rates set below:

- (1) Fares for contractual services shall be not less than Fifty Dollars (\$50.00) per hour. Fares for an airport limousine shall not be higher than a fare authorized by the Chattanooga Airport Authority. A limousine service, an, sedans and vans or other vehicles for hire may not charge fares based upon fractions of an hour except after the second hour of service.
- (2) An agreed upon fare with a passenger or passengers that simulates or mirrors a fare charged by an operator of a taxicab.
(Ord. No. 9784, § 1, 9-8-92; Ord. No. 9799, § 7, 10-6-92; Ord. No. 11934, 2-13-07; Ord. No. 12092, §11, 3-18-08; Ord. No. 12412, §§ 4 & 5, 7-13-10)

Sec. 35-27. Same - filing of changes.

Each vehicle for hire company shall be required to file a list of their rates thirty (30) days prior to change with the transportation inspector(s), and there shall not be more than one (1) rate charged by any one (1) vehicle for hire. Rates charged by each vehicle for hire shall be the same as that on file with the transportation inspector(s) and shall be posted conspicuously in the motor vehicle. Additional charges for services such as waiting time or

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baggage handling shall be submitted as a part of the fare structure. Rates may not be changed more often than semi-annually except for extraordinary cause such as but not limited to marked increases in fuel costs caused by shortages, government policy, or other events beyond the control of the owner of the taxicab or vehicle for hire.

(Ord. No. 9784, § 1, 9-8-92; Ord. No. 12092, §12, 3-18-08)

Sec. 35-28. Receipts.

The driver or chauffeur of any vehicle for hire shall upon request by the passenger, provide a receipt for the amount charged, either by a mechanically printed receipt or by a specially prepared receipt on which shall be the name of the owner, the amount of meter reading or charges and date of transaction.

(Ord. No. 9784, § 1, 9-8-92; Ord. No. 12092, §13, 3-18-08)

Sec. 35-29. Refusal of passenger to pay legal fare.

It shall be unlawful for any person to refuse to pay the legal fare of any vehicle for hire after having hired the same, and it shall be unlawful for any person to hire any vehicle for hire with intent to defraud the person from whom it is hired of the value of such service.

(Ord. No. 9784, § 1, 9-8-92; Ord. No. 12092, §14, 3-18-08)

Sec. 35-30. Solicitation of passengers by drivers; drivers to remain in or near vehicles.

No driver or chauffeur of a vehicle hire for a vehicle for hire shall solicit passengers for a vehicle for hire, except when sitting in the driver's or chauffeurs' compartment of such motor vehicle for hire or while standing immediately adjacent to the curb side thereof. The driver or chauffer of any vehicle for hire shall remain in the driver's compartment or immediately adjacent to his vehicle at all times when such motor vehicle is upon the public streets or public highways; except, that when necessary, a driver may be absent from his vehicle for not more than ten (10) consecutive minutes when the vehicle for hire is in service; provided further, that nothing herein contained shall be held to prohibit any driver or chauffeur from alighting to the street or sidewalk for the purpose of assisting passengers into or out of such vehicle.

(Ord. No. 9784, § 1, 9-8-92; Ord. No. 12092, §15, 3-18-08)

Sec. 35-31. Prohibited manner of solicitation.

No driver or chauffeur of a vehicle for hire shall solicit patronage by obstructing the movement of any persons, or by following any person for the purpose of soliciting patronage.

(Ord. No. 9784, § 1, 9-8-92; Ord. No. 12092, §16, 3-18-08)

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Sec. 35-32. Receipt and discharge of passengers on sidewalk only.

Drivers or chauffeurs of a vehicle for hire shall not receive or discharge passengers in the roadway but shall pull to the extreme right-hand side of the road or to the sidewalk and there receive or discharge passengers, except upon one-way streets, where passengers may be discharged at either side of the roadway in the absence of a sidewalk.
(Ord. No. 9784, § 1, 9-8-92; Ord. No. 12092, §17, 3-18-08)

Sec. 35-33. Cruising.

No driver or chauffeur of a vehicle for hire shall cruise in search of passengers, except in such areas and at such times as shall be designated by the Transportation Board or Traffic Engineer's Office. Such areas and times shall only be designated when the Transportation Board finds that a vehicle for hire would not congest traffic or be dangerous to pedestrians and other vehicles.
(Ord. No. 9784, § 1, 9-8-92; Ord. No. 12092, §18, 3-18-08)

Sec. 35-34. Solicitation of other common-carrier passengers prohibited.

No driver, owner or operator of a vehicle for hire shall solicit passengers at an interstate bus station, rail station, airport or at any bus stops along any established route of the Chattanooga Regional Transportation Authority.
(Ord. No. 9784, § 1, 9-8-92; Ord. No. 12092, § 19, 3-18-08)

Sec. 35-35. Reserved.

(Ord. No. 9784, § 1, 9-8-92)

Sec. 35-36. Additional passengers.

No driver or chauffeur of a vehicle for hire shall permit, except as otherwise provided in this article, any other person to occupy or ride in such vehicle for hire unless the person first employing the vehicle for hire shall consent to the acceptance of additional passengers. There is hereby authorized a charge for additional passengers not to exceed five dollars (\$5.00) per passenger when such passenger is accompanying the original passenger and proceeding to the same destination. When the additional passenger rides beyond the original passenger's destination he shall be charged only for the additional distance so traveled. This section shall not apply if the vehicle for hire has an agreement to transport multiple passengers.
(Ord. No. 9784, § 1, 9-8-92; Ord. No. 12092, §20, 3-18-08; Ord. No. 12412, § 6, 7-13-10)

Sec. 35-37. Restrictions on number of passengers.

No driver or chauffeur of a vehicle for hire shall permit more persons to be carried in a vehicle for hire as passengers than the rated seating capacity of his or her vehicle for hire, as stated in the certificate for such vehicle issued by the Transportation Board.
(Ord. No. 9784, § 1, 9-8-92; Ord. No. 12092, §21, 3-18-08)

Sec. 35-38. Refusal to carry orderly passengers prohibited.

No driver or chauffeur of a vehicle for hire shall refuse or neglect to convey any orderly person or persons, upon request, unless previously engaged or unable or forbidden by the provisions of this article to do so.
(Ord. No. 9784, § 1, 9-8-92; Ord. No. 12092, §22, 3-18-08)

Sec. 35-39. Taxicab stands - establishment; use.

(a) *Establishment.* The Transportation Board is hereby authorized and empowered to and shall establish taxicab passenger loading zones or stands upon the streets of the City in such places as, in its discretion, it deems proper. The Transportation Board is further authorized to eliminate any taxicab passenger loading zones or stands now in use, or later established. The written approval of the abutting property owners of such places shall be required before the creation of such passenger loading zones or stands. The traffic engineer shall make an investigation of the traffic conditions at such places and shall thereafter file written recommendations with the Transportation Board. The Transportation Board shall abide by these recommendations.

(b) *Open stands.* Any taxicab passenger loading zone or stand established in accordance with subsection (a) of this section, exclusive of those stands previously assigned to the sole use of specific holders shall be public or open passenger loading zones or stands, available to all holders. Any new or additional passenger loading zones or stands established in the immediate vicinity of, adjacent to, in front of or in the rear of previously assigned stands shall be public or open passenger loading zones or stands available to all holders, but such passenger loading zones or stands shall not be available to holders of exclusive stand privileges at such locations. Nothing contained herein shall be construed as denying, or intending to deny any passenger the right to take a cab of his or her choice or preference at any such stand.

(c) *Starters.* Each holder operating a taxicab stand as provided for in this article may be allowed where it would facilitate the convenience of the public, in the discretion of the Transportation Board, to have on duty at such stand a starter or other employee for the purpose of assisting in the loading and unloading of passengers from taxicabs, for receiving calls and dispatching cabs, and for soliciting passengers at such stands. The words "at such stands" shall mean that point of the sidewalk immediately adjacent to and of equal length with such stand. It shall be unlawful for any such starter or other employee to go beyond the

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area herein designated for the purpose of soliciting passengers or assisting them to board such cabs.

(d) *Obstruction, etc.* It shall be unlawful for any holder to obstruct or interfere with the free use and enjoyment of any public or open taxicab stand by any other holder, or to interfere with, obstruct or otherwise impede the use of any assigned stand by the holder of such stand. Each occurrence affecting such "other holder" shall be deemed a separate offense. Any holder found guilty of three (3) offenses within any twelve (12) months period shall have his certificate suspended for not less than thirty (30) days, or more than ninety (90) days for a first offense. A second offense or subsequent offense within one (1) year shall be subject to a suspension of not less than ninety (90) days or more than one (1) year. (Ord. No. 9784, § 1, 9-8-92; Ord. No. 12092, §2, 3-18-08)

Sec. 35-40. Same - use by other vehicles prohibited.

(a) Private or other vehicles for hire shall not at any time occupy the space upon the streets that have been established as taxicab stands.

(b) It shall be unlawful for any agent or employee or any entity required to have a City of Chattanooga business license pursuant to the laws and ordinance of the City of Chattanooga to direct passengers to any motor transportation agent that does not have a certificate of public convenience to operate a vehicle for hire issued under this Chapter or for any entity required to have a business license to knowingly permit or allow any of its agents or employees to direct passengers to any to any motor transportation agent that does not have a certificate of public convenience to operate a vehicle for hire under this Chapter.

(c) It shall be unlawful for any agent or employee or any entity required to have a City of Chattanooga business license pursuant to the laws and ordinance of the City of Chattanooga to allow a motor vehicle or motor transportation agent that has not been issued a certificate of public convenience to operate a vehicle for hire issued under this Chapter to stop, park, or otherwise place a vehicle for hire on such entities premises or in the loading or curbside area of such business.

(Ord. No. 9784, § 1, 9-8-92; Ord. No. 12092, §23, 3-18-08)

Sec. 35-41. Duty to render service; central place of business required.

All persons engaged in the business of operating a vehicle for hire under the provisions of this Chapter shall render an overall service to the public desiring to use vehicles for hire. Holders of certificates of public convenience and necessity shall maintain a central place of business and keep the same open twenty-four (24) hours a day for the purpose of receiving calls and dispatching cabs. A vehicle for hire company may reduce its hours of operation to a defined schedule authorized by the Transportation Board. Vehicles for hire shall answer all calls received from them for services inside Chattanooga as soon as they can do so and if such services cannot be rendered within a reasonable time, the vehicle for hire

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shall then notify the prospective passengers how long it will be before such call can be answered and give the reason therefore. Any certificate holder who shall refuse to accept a call anywhere within Chattanooga at any time when such certificate holder has available taxicabs or vehicles for hire or who shall fail or refuse to give overall service shall be deemed a violator of this article. The certificate granted to such holder may be suspended or revoked at the discretion of the Transportation Board for a violation of this section.
(Ord. No. 9784, § 1, 9-8-92; Ord. No. 12092, §24, 3-18-08)

Sec. 35-42. Drivers' manifests.

Every driver or chauffeur of a vehicle for hire or dispatcher for a vehicle for hire company shall maintain a daily manifest upon which is recorded all trips made each day, showing the time and place of origin and destination of each trip and the amount of fare and number of passengers. All such completed manifests shall be returned to the vehicle for hire owner by the driver or chauffeur at the conclusion of his tour of duty. The forms for each manifest shall be furnished to the driver or chauffeur by the vehicle for hire company or owner and shall be of a character approved by the Transportation Board.

Every vehicle for hire owner or company shall retain and preserve all driver and chauffeur manifests in a safe place for at least the current year and the calendar year next preceding the current calendar year, and such manifests shall be available for inspection by the transportation inspector(s) and the Transportation Board.
(Ord. No. 9784, § 1, 9-8-92; Ord. No. 9799, § 8, 10-6-92; Ord. No. 12092, §§2 and 25, 3-18-08)

Sec. 35-43. Records and reports by certificate holders.

(a) Every holder of a certificate of public convenience and necessity shall keep accurate records of receipts from operations, operating and other expenses, capital expenditures and such other operating information as may be required by the Transportation Board. Every such holder shall maintain the records containing such information and other data required by this article at a place readily accessible for examination by the transportation inspector(s) and the Transportation Board. Except to the extent deemed advisable by either the Transportation Inspector(s) or Transportation Board to administer or enforce the provisions of this article, these records shall not be copied or if copied for administrative purposes retained for periods longer than necessary for such administration.

(b) The owner, driver or chauffeur of a vehicle for hire shall report any accident involving such vehicle for hire to the police department. The company shall notify the transportation inspector of such accident by nine (9:00) a.m. on the next business day.

(c) No vehicle for hire involved in an accident where structural damage has occurred to the vehicle for hire shall be operated again until the vehicle for hire has been inspected by the transportation inspector or a police officer and the vehicle for hire has been

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certified for service in writing by a licensed motor vehicle mechanic. The company shall present such written certification to the transportation inspector.

(Ord. No. 9784, § 1, 9-8-92; Ord. No. 12092, §§2 and 26, 3-18-08)

Sec. 35-44. Duty of transportation inspector(s) to enforce ordinance.

The transportation inspector(s) is/are hereby authorized and are instructed to watch and observe the conduct of holders of certificates of public convenience and necessity and drivers operating under this article. Upon discovering a violation of the provisions of this article, the transportation inspector(s) shall report the same to the Transportation Board, which will order or take appropriate action. The transportation inspector(s) may also cite the violator to City Court for violations of this article or other applicable law or ordinance.

(Ord. No. 9784, § 1, 9-8-92; Ord. No. 12092, § 2, 3-18-08)

Sec. 35-45. Proof of financial responsibility of vehicles for hire required.

(a) All vehicle for hire companies shall be required to show proof of liability insurance or a certificate of self-insurance issued pursuant to T.C.A. § 55-12-111 to the Transportation Board for each motor vehicle engaged in the business of transporting passengers for hire and operated under their franchise.

(b) The insurance required by this section shall cover each vehicle for hire operated under their certificate of public convenience and necessity.

(c) Failure to maintain the insurance required by this section shall be grounds for revocation of a holder's certificate.

(d) All vehicles for hire must meet the insurance requirement of this section even if the privilege for a vehicle for hire has been suspended by this board. If a vehicle for hire becomes inoperable for any reason other than suspension of the privilege and is not being used in the business of transporting passengers for hire, including during the period of a Temporary Medical Exception as set forth in Section 35-59(c), the certificate holder shall notify the transportation inspector in writing that the vehicle is inoperable and/or not in use and insurance will no longer be required after such written notice is given. The certificate holder shall keep an accurate list of all privileges for vehicles operating under the certificate holder's franchise or umbrella.

(Ord. No. 9784, § 1, 9-8-92; Ord. No. 12092, §§2 and 27, 3-18-08; Ord. No. 12412, § 7, 7-13-10; Ord. No. 12639, § 1, 8-21-12)

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DIVISION 2. CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Sec. 35-46. Required.

(a) No person shall operate or permit a vehicle for hire owned or controlled by him and as defined in Section 35-22 of this Code as amended, upon the streets, roads and public highways of Chattanooga without having first obtained a certificate of public convenience and necessity and permits from the Transportation Board.

(b) Any type of motor vehicle for hire authorized to operate under this Chapter through a privilege must be operated under the franchise or umbrella of a valid Certificate of Public Convenience and Necessity approved by the Transportation Board and pursuant to rules and policies set by the Transportation Board. The Transportation Board must approve the number of privileges and any transfer of privileges associated with a Certificate Holder.

(Ord. No. 12412, § 8, 7-13-10)

(Ord. No. 9784, § 1, 9-8-92; Ord. No. 12092, §§2 and 28, 3-18-08; Ord. No. 12149, §1, 8-5-08; Ord. No. 12412, § 8, 7-13-10)

Sec. 35-47. Application.

(a) An application for a certificate of public convenience and necessity shall be filed with the Transportation Board upon forms provided by the transportation inspector(s) and upon the payment of a nonrefundable fee of one thousand dollars (\$1,000.00), plus fifty dollars (\$50.00) per vehicle for hire. A renewal application and a fee of fifty (\$50.00), plus ten dollars (\$10.00) per vehicle for hire shall be filed on or before the annual renewal date of the certificate of public convenience and necessity. Such application shall be verified under oath and shall furnish the following information:

- (1) The name and address of the applicant. (Ord. No. 12412, § 9, 7-13-10)
- (2) The financial status of the applicant, including the amounts of all unpaid judgments against the applicant and the nature of the transaction or acts giving rise to such judgments.
- (3) The experience of the applicant in the transportation of passengers.
- (4) Any facts which the applicant believes tend to prove that public convenience and necessity require the granting of the certificate.
- (5) The number of vehicles and their make and year models to be operated or controlled by the applicant, the interest that the applicant will have in each of the vehicles, and the location of proposed depots and terminals.
(Ord. No. 12412, § 9, 7-13-10)

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- (6) The color scheme and insignia to be used to designate the vehicles of the applicant.
- (7) Whether or not the applicant has been convicted of a felony within ten (10) years, or any offense involving driving under the influence of drugs or alcohol. The applicant shall submit a complete Tennessee Bureau of Investigation Tennessee Criminal History of the applicant and any owner of the business having a ten percent (10%) or greater financial interest in the business at the cost of the applicant. (Ord. No. 12412, § 10, 7-13-10)
- (8) Rules for training drivers.
- (9) Rules and procedures for driver appearance and conduct.
- (10) Such further information as the Transportation Board may require.

(b) No application for public convenience and necessity to operate a taxicab company shall be accepted for less than five (5) taxicabs, excluding any person or company who has regularly operated a taxi business in Chattanooga prior to the effective date of this Article.

(c) If an application is incomplete, it shall be returned to the applicant for completion prior to being acted upon.

(d) Each application shall be signed by the owner(s) or duly authorized officer of a vehicle for hire company or entity, which shall be deemed to be a certification that the information on the application is accurate. Any material misrepresentation made on an application shall be grounds for revocation of the certificate.

(e) The lawful operation of a taxi or vehicle for hire business in Chattanooga under this Chapter on and prior to January 1, 2008, shall not be affected by this Ordinance. (Ord. No. 9784, § 1, 9-8-92; Ord. No. 9799, § 9, 10-6-92; Ord. No. 12092; §§2 and 29, 3-18-08; Ord. No. 12412, §§ 9 and 10, 7-13-10)

Sec. 35-48. Public hearing.

Upon the filing of an application for a certificate of public convenience and necessity and/or a request for additional privileges, the Transportation Board shall fix a time and place for a public hearing thereon, to be not less than thirty (30) days after receipt of the application or request. Notice of such hearing shall be given to the applicant and to all persons to whom certificates of public convenience and necessity have been theretofore issued. Due notice shall be given the general public by posting a notice of such hearing in the morning and evening newspapers at least three (3) days, but not more than five (5) days prior to the public hearing. Any person may file with the Transportation Board a memorandum in support of or opposition to the issuance of a certificate of public

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convenience or a request for additional vehicle for hire permits. The Transportation Board may call special meetings for the consideration of new certificates of public convenience and necessity and/or applications for new vehicle for hire permits. The Transportation Board shall adopt procedures to govern the consideration of such applications.

(Ord. No. 9784, § 1, 9-8-92; Ord. No. 11075, § 1, 10-3-00; Ord. No. 12092, §§2 and 30, 3-18-08; Ord. No. 12412, § 11, 7-13-10)

Sec. 35-49. Issuance.

(a) If the Transportation Board finds that further vehicle for hire service in Chattanooga is required by the public convenience and necessity and that the applicant is fit, willing and able to perform such public transportation and to conform to the provisions of this article, the Transportation Board shall issue a certificate, stating the name and address of the applicant, the number of vehicles authorized upon such certificate and the date of issuance; otherwise, the application shall be denied. Provided that should the application be incomplete, the Transportation Board shall not issue a certificate of public convenience and necessity until any omissions are cured. Any material misrepresentation in the application shall be a basis for denial of a certificate of public convenience and necessity. If the applicant or any owner of the business having a ten percent (10%) or greater financial interest in the business has been convicted of two (2) or more felonies within ten (10) years of the date of the application, the certificate shall be denied. If the applicant or any owner of the business having a ten percent (10%) or greater financial interest in the business has been convicted of a felony within ten (10) years, the certificate may be denied.

(Ord. No. 12412, § 12, 7-13-10)

(b) In making the above findings, the Transportation Board shall take into consideration the number of vehicles for hire already in operation, whether existing transportation is adequate to meet the public need, the probable effect of increased service on local traffic conditions and the character, experience and responsibility of the applicant. At the time of the enactment of this Article, there have been approximately one hundred fifty (150) privileges issued under preexisting regulations. (Ord. No. 12412, § 13, 7-13-10)

(c) Two hundred seventy-five (275) shall be the cap placed upon the issuance of privileges for the first year that the Transportation Board shall be in existence, which cap may thereafter be changed by the Transportation Board pursuant to the above criteria. Permits for a vehicle for hire under this Chapter which are not regularly used shall not be renewed. (Ord. No. 12412, § 14, 7-13-10)

(d) A certificate holder shall have thirty (30) days from the date a vehicle for hire is approved to make such vehicle for hire operational. Applicants shall have ninety (90) days following the approval of a certificate of public convenience and necessity to obtain and have inspected all vehicles for hire authorized by the Transportation Board. If a vehicle for hire shall not be operated for ninety (90) or more consecutive days, the privilege for that vehicle for hire shall be revoked by the Transportation Board unless the certificate holder notifies the

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Transportation Board and obtains a replacement vehicle that is inspected and approved by the Transportation Board Inspector or the Transportation Board approves additional time with adequate justification. (Ord. No. 12412, § 15, 7-13-10)

(e) The action of the Transportation Board in issuing or denying such a certificate shall be final, except as it may be subject to review at law.
(Ord. No. 9784, § 1, 9-8-92; Ord. No. 12092, §§ 2 and 31, 3-18-08; Ord. No. 12412, §§ 12 - 15, 7-13-10)

Sec. 35-50. Proof of financial responsibility required.

No certificate of public convenience and necessity shall be issued or continued in operation for a vehicle for hire unless there is in full force and effect proof of financial responsibility for each vehicle authorized in an amount in accordance with the minimum limits set by the law of the State of Tennessee for financial responsibility of owners and operators of motor vehicles. Such security shall inure to the benefit of any person who shall be injured or who shall sustain damage to property proximately caused by the negligence of a holder, his servants or agents. Proof of financial responsibility shall be established in accordance with standards set by the law of the State of Tennessee. Proof of financial responsibility shall be filed with the transportation inspector(s) and shall have as a surety thereon a surety company authorized to do business in the State of Tennessee or a certificate of self-insurance issued by the Commissioner of Safety as provided by T.C.A. § 55-12-111.
(Ord. No. 9784, § 1, 9-8-92; Ord. No. 12092, §§ 2 & 32, 3-18-08)

Sec. 35-51. Reserved.

Sec. 35-52. Transfer.

No certificate of public convenience and necessity may be sold, assigned, mortgaged or otherwise transferred, nor may there be any modification of ownership as to stock transfer, new or additional partners, etc., by a holder of a certificate of public convenience and necessity without the consent of the Transportation Board and payment of a transfer and inspection fee of Fifty Dollars (\$50.00). Provided that in the event of a death of a holder, the certificate may be devised to or inherited by a spouse or child, and they shall be granted a certificate by the Transportation Board providing they are otherwise qualified for the certificate.
(Ord. No. 9784, § 1, 9-8-92; Ord. No. 9799, § 11, 10-6-92; Ord. No. 12092, §§ 2 & 33, 3-18-08; Ord. No. 12412, § 16, 7-13-10)

Sec. 35-53. Suspension and revocation.

(a) A certificate of public convenience and necessity and/or any privileges associated thereto issued under the provisions of this division may be revoked or suspended by the Transportation Board if the holder thereof:

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(Ord. No. 12412, § 17, 7-13-10)

- (1) Violates any of the provisions of this article, including failing to maintain financial responsibility.
- (2) Allows a vehicle for hire to be operated by a person who does not have a driver's permit issued by the Transportation Board or a chauffeur's license issued by the State of Tennessee. (Ord. No. 12412, § 17, 7-13-10)
- (3) Fails to maintain the general qualifications applicable to the issuance of a certificate of public convenience and necessity, including, but not limited to operating the number of vehicles for hire that were required for the issuance of a certificate of public convenience and necessity.
- (4) Willfully fails to submit a vehicle for hire for inspection.
- (5) Fails to report an accident as required by this Chapter.
- (6) Changes its address, company name, officers, ownership or otherwise make any material change in the company or its identity from that set forth upon the initial application to operate a vehicle for hire.
- (7) Violates any provisions of this Chapter.

(b) Prior to suspension or revocation, the holder shall be given notice of the proposed action to be taken and shall have an opportunity to be heard. The action of the Transportation Board at such hearing shall be final subject to review at law.

(Ord. No. 9784, § 1, 9-8-92; Ord. No. 12092, §§2 and 34, 3-18-08; Ord. No. 12412, § 17, 7-13-10)

DIVISION 3. DRIVERS' PERMITS

Sec. 35-54. Required.

(a) All certificate holders and privilege holders are required to maintain a current driver's permit or a chauffeur's license issued by the State of Tennessee. The permit shall be obtained in the manner provided for in this chapter. Any person holding a chauffeurs' license issued by the State of Tennessee shall not be required to apply for a drivers' permit under this division but shall provide a copy of the license to the Transportation Board and inspector(s) and shall be required to produce such chauffeurs' license upon request by a law enforcement officer. (Ord. No. 12412, § 18, 7-13-10)

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(b) No person shall operate as a vehicle for hire or operate a motor vehicle to transport passengers for hire upon the streets, roads and public highways of Chattanooga, and no person who owns or controls a motor vehicle engaged in the business of transporting passengers for hire shall permit such motor vehicle to be so driven and no motor vehicle licensed by the Transportation Board shall be so driven at any time for hire, unless the driver or chauffeur of such motor vehicle shall first obtain and shall have then in force a driver's permit issued under the provisions of this division or a chauffeurs' license.

(Ord. No. 9784, § 1, 9-8-92; Ord. No. 12092, §§ 2 & 35, 3-18-08; Ord. No. 12412, § 18, 7-13-10)

Sec. 35-55. Application.

An application for a driver's permit or annual renewal shall be filed with the Transportation Board on forms provided by the transportation inspector(s). Such application shall be verified under oath and shall contain the following information:

(a) The name, residential address, telephone number and date of birth of the applicant. No applicant under twenty-one (21) years of age shall be accepted or approved by the Transportation Board. Applicants for a driver's permit who have a chauffeurs' license issued by the State of Tennessee shall be subjected to a background investigation including providing a statement from a licensed physician and federal Department of Transportation drug and alcohol test (hereafter "DOT drug test") as required by City Code § 35-56.

(Ord. No. 12239, § 2, 5-12-09)

(b) Proof of a license issued by the State of Tennessee with a for-hire "F" endorsement or any other license or endorsement approved by the Transportation Board.

(c) A statement from a licensed physician that certifies that he or she is in good physical condition and is free from epilepsy, vertigo, or any other medical condition that is likely to substantially impair the applicant's ability to safely operate a motor vehicle or that is likely to make the applicant an unsafe or unsatisfactory driver and federal Department of Transportation drug and alcohol test (hereafter "DOT drug test") on a form approved by the Transportation Board or such examination as approved or required by the Transportation Board and has been examined for hearing. The Transportation Board or Transportation Inspector may require an applicant to submit a statement of compliance with this subsection at any time after approval of the initial application.

(d) A statement from a licensed physician or licensed optometrist that certifies that the applicant is free of defective vision, which cannot be corrected by eyeglasses or contact lenses, that is likely to substantially impair the applicant's ability to safely operate a motor vehicle.

(e) At the time the application or renewal is filed, the applicant shall pay to the Transportation Board a fee of ten dollars (\$10.00).

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(f) The Transportation Inspector may authorize driver to operate a vehicle for hire pending final approval of the Transportation Board for sixty (60) days if the following requirements are met:

- (1) the driver has filed an application with the Transportation Inspector's office;
- (2) the driver has paid the fees necessary to approve the application;
- (3) the driver provides a statement disclosing any felony convictions or any convictions involving driving under the influence of drugs or alcohol or sexually related offenses within ten (10) years of the date of the driver's permit application and provides a complete Tennessee Bureau of Investigation Tennessee Criminal History of the applicant; (Ord. No. 12412, § 19, 7-13-10)
- (4) the vehicle for hire that the temporary driver will operate has met the financial responsibility requirements of this Chapter;
- (5) the Board shall reject any applicant who makes a false statement under this section.

(Ord. No. 9784, § 1, 9-8-92; Ord. No. 9799, § 12, 10-6-92; Ord. No. 12092, §§2 and 36, 3-18-08; Ord. No. 12149, §2, 8-5-08; Ord. No. 12239, § 2, 5-12-09; Ord. No. 12412, § 19, 7-13-10)

Sec. 35-56. Public transportation employment; access to criminal conviction histories, police investigation of applicant.

(a) The police department shall conduct an investigation of each applicant for a driver's permit. A report of such investigation and a copy of the traffic and police record of the applicant, if any, shall be attached to the application for the consideration of the Transportation Board.

(b) Upon receipt of an application, the Transportation Inspector(s) shall conduct a criminal conviction record investigation through computer terminals or other means of access to criminal convictions. The applicant shall submit a complete Tennessee Bureau of Investigation Tennessee Criminal History to the Transportation Inspector.

(c) The results of criminal conviction record investigations shall be used for the limited purpose of determining the suitability of the applicant for issuance of the license or permit or the suitability of the person for employment with the municipality.

(d) The costs incurred in conducting such criminal conviction records investigations shall be paid by the applicant for a drivers permit.

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(Ord. No. 9784, § 1, 9-8-92; Ord. No. 12092, §§2 and 37, 3-18-08; Ord. No. 12149, §3, 8-5-08)

Sec. 35-57. Consideration of application.

The Transportation Board shall, upon the consideration of the application and the reports and certificate required to be attached thereto, approve or reject the application. The applicant must appear in person if directed to appear by the Transportation Inspector or Board. The action of the Board approving or denying such application shall be final subject to a review at law.

(Ord. No. 9784, § 1, 9-8-92; Ord. No. 12092, §2, 3-18-08; Ord. No. 12149, §4, 8-5-08)

Sec. 35-58. Issuance; contents.

Upon final approval of an application or renewal for a driver's permit, the Transportation Board shall issue a permit to the applicant, which shall bear such information as required to personal identification of a driver by such information as the drivers name, address, age, signature, permit number, name of company employed by, state drivers license number and date of expiration or photograph of the applicant as required by the Transportation Board.

(Ord. No. 9784, § 1, 9-8-92; Ord. No. 12092, §2, 3-18-08; Ord. No. 12149, §5, 8-5-08)

Sec. 35-59. Term; renewal fee; temporary medical exception.

- (a) Each taxicab driver's permit shall be issued for a period of one (1) year or any part thereof, with all permits issued pursuant to this article expiring on the driver's birth date of each year. A permit for the one-year period or any portion thereof shall be issued upon the payment of ten dollars (\$10.00) unless the permit for the preceding year has been revoked. A five dollar (\$5.00) fee shall be charged for all replacement or temporary taxicab driver permits.
- (b) The Transportation Board or Transportation Inspector may require a driver to submit an updated medical exam or DOT drug and alcohol test when a driver applies to renew his drivers permit or upon the expiration of a Temporary Medical Exception as set forth in Section 35-59(c). A driver may appeal a decision of the Transportation Inspector requiring a DOT drug and alcohol test to the Transportation Board or as allowed by law. The Transportation Board shall determine the process and procedures for renewal of driver permits.
- (c) Temporary Medical Exception.
 - (1) Upon receipt of a statement from a licensed physician and/or optometrist that certifies that a driver has a medical condition which

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temporarily prohibits or impairs the driver's ability to operate a motor vehicle, the Transportation Inspector may grant the driver a Temporary Medical Exception from the financial responsibility requirements contained in Section 35-55. In no event shall the Temporary Medical Exception exceed six (6) months.

- (2) During such period that the Temporary Medical Exception is in effect, the driver shall be prohibited from operating a vehicle for hire pursuant to this Chapter.
- (3) Upon expiration of the Temporary Medical Exception, the prohibition on operating a vehicle for hire pursuant to this Chapter shall remain in effect until the Transportation Inspector receives proof of financial responsibility and an updated statement from a licensed physician and/or licensed optometrist certifying that the driver satisfies the physical and vision requirements in Section 35-55 of this Chapter. If the driver is unable to provide proof of financial responsibility and the appropriate medical certifications at that time, action may be taken to suspend and/or revoke the driver's permit.
- (4) During the period of the Temporary Medical Exception, the driver shall remain responsible for the payment of fees and for complying with all other requirements of this Chapter. Nothing in this Section shall preclude suspension, revocation, or show cause proceedings against a driver for violating any other provision of this Chapter.

- (d) Pursuant to state and federal law, all medical records and certifications received by the City pursuant to this Section shall be kept confidential.

(Ord. No. 9784, § 1, 9-8-92; Ord. No. 9799, § 13, 10-6-92; Ord. No. 12092, §§2 and 38, 3-18-08; Ord. No. 12149, §6, 8-5-08; Ord. No. 12639, § 2, 8-21-12)

Sec. 35-60. Display in vehicle.

Every driver to whom a permit is issued under this division shall post his or her driver's permit in such a place as to be in full view of all passengers while such driver is operating a motor vehicle transporting passengers for hire. A drivers' permit shall be invalid if the drivers state issued license to transport passengers for hire is suspended or revoked.

(Ord. No. 9784, § 1, 9-8-92; Ord. No. 12092, §39, 3-18-08)

Sec. 35-61. Suspension and revocation.

The Transportation Board is hereby authorized to suspend any driver's license issued under this division for a driver's failing or refusing to comply with the provisions of this article. The Transportation Board is also authorized to revoke any driver's permit for failure

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to comply with the provisions of any other ordinance or law related to the driver's qualifications to operate a vehicle for hire. The Transportation Board may revoke a driver's license for charging a passenger rates in excess of those authorized pursuant to Sections 35-26 and 35-27. However, a permit may not be revoked or suspended unless the driver has received notice and had an opportunity to present evidence in his or her behalf. The Transportation Board shall adopt administrative procedures to govern the conduct of such hearing. The action of the Transportation Board in suspending a license or permit shall be final, subject to a review at law.

(Ord. No. 9784, § 1, 9-8-92; Ord. No. 12092, §§2 and 40, 3-18-08)

DIVISION 4. VEHICLE FOR HIRE PRIVILEGE

Sec. 35-62. Required.

(a) No person shall operate or permit a vehicle for hire as defined in Section 35-22 of this Code as amended, upon the streets, roads and public highways of Chattanooga without having first obtained a privilege to operate the vehicle from the Transportation Board.

(b) Any type of motor vehicle for hire authorized to operate under this Chapter must be operated under the franchise or umbrella of a Certificate of Public Convenience and Necessity issued by the Transportation Board.

(Ord. No. 12412, § 20, 7-13-10)

Sec. 35-63. Application.

(a) An application for a privilege shall be filed with the Transportation Board upon forms provided by the Transportation Inspector(s) and upon the payment of a nonrefundable fee of fifty dollars (\$50.00). A renewal application shall be filed upon forms provided by the Transportation Inspector(s) on or before the annual renewal date of the privilege. Such application shall be verified under oath and shall furnish the following information:

- (1) The name and address of the applicant;
- (2) The experience of the applicant in the transportation of passengers;
- (3) The name of the certificate holder with which the privilege holder will be associated or affiliated with for operation of the privilege;
- (4) The color scheme and insignia to be used to designate the vehicle to be operated under the privilege;

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- (5) The ownership interest that the applicant has in the vehicle to be operated under the privilege;
- (6) The make, model and year of the vehicle to be operated under the privilege;
- (7) Whether the applicant has been convicted of any felony or any convictions involving driving under the influence of drugs or alcohol or sexually related offenses within ten (10) years of the date of the privilege application and provides a complete Tennessee Bureau of Investigation Tennessee Criminal History of the applicant; and
- (8) Such further information as the Transportation Board may require.

(b) If an application is incomplete, it shall be returned to the applicant for completion prior to being acted upon.

(c) Each application shall be signed by the certificate holder and the privilege holder, which shall be deemed to be a certification that the information on the application is accurate. Any material misrepresentation made on an application shall be grounds for revocation of the certificate.

(d) The lawful operation of any privileges prior to January 1, 2010 shall not be affected by this Section and shall not be required to complete an initial application but shall be required to complete a renewal application prior to January 1, 2011.
(Ord. No. 12412, § 21, 7-13-10)

Sec. 35-64. Public Hearing.

Upon the filing of an application for a privilege, the Transportation Board shall fix a time and place for a public hearing thereon, to be not less than thirty (30) days after receipt of the application or request.
(Ord. No. 12412, § 22, 7-13-10)

Sec. 35-65. Issuance.

(a) If the Transportation Board finds that further vehicle for hire services in Chattanooga is required and the applicant is fit, willing and able to perform such public transportation and to conform to the provisions of this Chapter, the Transportation Board shall issue a privilege to the applicant, stating the name and address of the applicant, the certificate with which the privilege is associated or affiliated, the make, model and year of the vehicle and the privilege number assigned to the privilege; otherwise, the application shall be denied.

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(b) Applicants shall have ninety (90) days following the approval of a privilege to obtain and have inspected the vehicle for hire authorized by the Transportation Board. If a vehicle for hire shall not be operated for ninety (90) or more consecutive days, the privilege for that vehicle for hire shall be revoked by the Transportation Board unless the certificate holder or the privilege holder notifies the Transportation Board and obtains a replacement vehicle that is inspected and approved by the Transportation Board Inspector or the Transportation Board approves additional time with adequate justification.

(c) The action of the Transportation Board in issuing or denying a privilege shall be final, except as it may be subject to review at law.
(Ord. No. 12412, § 23, 7-13-10)

Sec. 35-66. Transfer.

No privilege may be sold, assigned, mortgaged or otherwise transferred by a privilege holder without the consent of the Transportation Board and payment of a transfer and inspection fee of fifty dollars (\$50.00).
(Ord. No. 12412, § 24, 7-13-10)

Sec. 35-67. Suspension and Revocation.

(a) A privilege issued under the provisions of this division may be revoked or suspended by the Transportation Board if the holder thereof:

- (1) Violates any of the provisions of this article, including failing to maintain financial responsibility for the vehicle.
- (2) Willfully fails to submit to a vehicle for hire inspection.
- (3) Willfully fails to notify the Board of a change in the certificate holder under which the privilege is being operated.
- (4) Fails to report an accident as required by this Chapter.

(b) Prior to suspension or revocation, the privilege holder shall be given notice of the proposed action to be taken and shall have an opportunity to be heard. The action of the Transportation Board at such hearing shall be final subject to review at law.
(Ord. No. 12412, § 25, 7-13-10)

Secs. 35-68 -- 35-145. Reserved.

ARTICLE IV. TRAFFIC INCIDENT MANAGEMENT SERVICE

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Sec. 35-146. Purpose.

The purpose of this article is to establish regulations and procedures to license district wrecker operators who apply to remove wrecked or disabled vehicles at the request or call of the City Police Department or other department of the City and to establish a rotation call list procedure for these operators and to establish a board to administer this article. It is the intent of this Article to provide for the quick clearance of controlled access highway collisions due to the concern for public safety when considering the qualifications of wrecker or towing operators who participate in the clearance of controlled access highway collisions.

Sec. 35-147. Definitions.

For purposes of this article the following words and phrases shall have the meanings respectively ascribed to them by this section:

District wrecker. All wrecker or towing operators licensed by the City under this article who qualify to be placed on the rotation call list to respond to requests for towing of vehicles made by the City.

Inside storage. The storing of a motor vehicle within an enclosed building being used by the wrecker or towing operator at the operator's place of business.

Normal business hours. The hours from 8:00 a.m. to 5:00 p.m. except Saturdays, Sundays, and the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

Outside storage. The storing of a motor vehicle within a lot or premises being used by the wrecker or towing operator at the operator's place of business, but not inside storage as described above.

Wrecker board. The Beer and Wrecker Board created to administer this article.

Wrecker inspector. That officer or employee of the City Police Department designated by the Chief of Police as the person responsible for receiving applications, conducting investigations of proposed wrecker operators, and making recommendations to the Wrecker Board.

Wrecker or towing operator. Any person engaged in the business of, or offering the services of, a wrecker or towing service to remove wrecked or disabled vehicles at the request or call of the City Police Department or other department of the City, whereby motor vehicles are or may be towed or otherwise removed from one place to another by the use of a motor vehicle adapted to and designed for that purpose.

(Ord. No. 12171, §1, 10-21-08)

Cross reference--Definitions and rules of construction generally, § 1-2.

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Sec. 35-148. District Wrecker classifications.

(a) For purposes of this article, District wreckers are classified into four (4) classes, class A, class B, class C, and recovery class, with minimum requirements for each classification as follows:

- (1) *Class A.* For towing passenger cars, pick-up trucks, small trailers, etc.

CHASSIS:

- A. Minimum GVWR 14,500 lbs.;
- B. Dual Rear Wheels
 - 1. Minimum 7.50 X 16
 - 2. Minimum 225 X 16
 - 3. Minimum Tread 8/32;
- C. Minimum 60 inch cab to axle;
- D. Present a professional outward appearance; and
- E. Fully functional drivers and passenger side mirrors.

WRECKER:

- A. Manufactured body, boom, and underlift;
- B. Minimum 60 inch cab to axle;
- C. Hydraulic recovery boom
 - 1. Minimum capacity 8 ton retracted
 - 2. Minimum capacity 4,000 LD extended
 - 3. Hydraulic elevation
 - 4. Hydraulic extension
- D. Dual Hydraulic 8,000 LB Winches
 - 1. Direct mount winch motors
 - 2. 6 X 19 3/8 inch cable
 - 3. 100 feet minimum of cable from winch
 - 4. Swidged thimbles (no clamps)
- E. Hydraulic Wheel Lift
 - 1. Hydraulic Elevation
 - 2. Hydraulic Extension
 - 3. 3,500 LB Capacity at full extension
 - 4. 7,500 LB Tow Rating
 - 5. Sound and operational tire restraint straps
 - 6. Safety chains OEM Spec's Or %70 Grade 5/16 inch
- F. Operational Dollies
- G. Tow Sling w/J Hooks and chains
 - 1. Sling straps in sound working condition
 - 2. J Hooks and Chain in Sound WO
- H. Tow Lights w/Cord (Operational)

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- I. Rotating Light Bar (Fully Operational)
- J. Work Lights (Operational)
- K. Trailer Ball Attachment
- L. Attachment or carrying straps for motorcycle
- M. Safety Package
 - 1. 5 LB Fire Extinguisher (charged & operational)
 - 2. Shovel
 - 3. Broom
 - 4. Bucket
 - 5. 2 3/8 inch X 10 Ft recovery chains (Not "J" Hooks sling chains) minimum
 - 6. 5 Lbs oil dry
 - 7. First Aid Kit
- N. Class A tow trucks shall have all of the following required equipment:
 - 1. Amber colored lights
 - 2. Bolt Cutters
 - 3. Company Name/Address (3 inch letters)
 - 4. Cradle Tow Plate/Sling
 - 5. Fire Extinguisher 20 lbs A.B.C. (UL)
 - 6. Flares/Reflectors
 - 7. Flood lights
 - 8. Fluid Absorption Compound (50 lbs)
 - 9. Heavy duty push broom
 - 10. Pinchbar, prybar, crowbar
 - 11. Portable light bar
 - 12. Safety chains
 - 13. Tire chains
 - 14. Safety restraint straps
 - 15. Shovel

- (2) *Class B.* For towing medium size trucks, trailers, etc.

CHASSIS:

- A. Minimum GVWR 25,500 LBS
- B. Dual Rear Wheel
 - 1. 8.25 X 22.5
 - 2. 265R X 22.5
 - 3. Minimum 8/32 tread all six tires
- C. Minimum cab to axle 108 inches
- D. Air Brakes
- E. Professional Outward Appearance
- F. Functional Drivers/Passenger Side Mirrors

WRECKER:

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- A. Manufactured body, boom, and wheellift
- B. Boom Capacity 16 Ton
- C. Hydraulically Powered Boom
 - 1. Hydraulic Elevation
 - 2. Hydraulic Extension
- D. Dual 16,000 LB Hydraulic Winches
 - 1. Direct Mount Hydraulic Motor
 - 2. 6 X 19 1/2 inch cable
 - 3. 150 feet of cable from the winch
 - 4. Swidged Thimbles (No clamps)
- E. Hydraulic Wheellift
 - 1. Power elevation
 - 2. Power extension
 - 3. 8,000 Lb. capacity full extension
 - 4. 32,000 Lb. Tow Rating
 - 5. 1/2 inch OEM or T-70 Safety Chain Permanently Attached
- F. Medium Duty Truck Hitch with 1/2 in. chassis
- G. Rear Jacks or spades (Wheellift not acceptable)
- H. Tow Lights or Bar w/Cord (Operational)
 - 1. Rotating light bar (Fully Operational)
- J. Work Lights
 - 1. Upper Work Lights
 - 2. Lower Hook Up Lights
 - 3. All lights must be operational
- K. Tow Ball and/or Attachment
- L. Safety Package
 - 1. 5 Lb. Fire Extinguisher
 - 2. Shovel
 - 3. Broom
 - 4. Pry Bar
 - 5. Bucket
 - 6. 5 Lbs. Oil Dry
 - 7. Pair 3/8 in. X 10 ft. Chains minimum
 - 8. Pair 1/2 in. X 10 ft. Chains minimum
 - 9. First Aid Kit
- M. Medium capacity tow trucks shall have all of the following required equipment:
 - 1. Amber colored lights
 - 2. Bolt Cutters
 - 3. Company Name/Address (3 inch letters)
 - 4. Cradle Tow Plate/Sling
 - 5. Fire Extinguisher 20 lbs A.B.C. (UL)
 - 6. Flares/Reflectors
 - 7. Flood lights

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8. Fluid Absorption Compound (50 lbs)
9. Heavy duty push broom
10. Pinchbar, prybar, crowbar
11. Portable light bar
12. Safety chains
13. Tire chains
14. Safety restraint straps
15. Shovel

- (3) *Class C. Heavy Duty Wreckers* for towing large trucks, road tractors and trailers where a recovery wrecker is not required.

CHASSIS:

- A. Minimum GVWR 50,000 LBS.
- B. Tandem Axle
 1. 10 X 22.5 Minimum
 2. 285R X 22.5 Minimum
 3. 8/32 Tread minimum all ten (10) tires
- C. Minimum 156 Inch C.B.
- D. Air Brake
- E. Air Service Lines
- F. Professional Outward Appearance
- G. Functional Driver/Passenger Side Minors

WRECKER:

- A. Manufactured Body, Boom, and Underlift
- B. Boom Capacity of 25 Ton
- C. Hydraulically Powered Boom
 1. Power Elevation
 2. Power Extension
- D. Dual Hydraulic 25,000 LB Winches
 1. Direct mount winch motors
 2. 6 X 19 5/8 inch cable minimum
 3. 200 ft. minimum from winch
 4. Swidged Thimbles (No clamps)
- E. Hydraulically Powered Underlift
 1. Power Elevation
 2. Power Extension
 3. 12,000 LB Capacity Full Extension
 4. 80,000 LB Tow Rating
 5. 5/8 OEM or A-80 Safety Chain
- H. Truck Hitches w/chains and/or Underlift Attachment
- I. Hydraulic Rear Jacks or Spades
- J. Tow Bar w/Cord

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- K. Rotating Light Bar
- L. Air and Service Lines
- M. Work Lights
 - 1. Upper Work Lights
 - 2. Lower/Hookup Lights
 - 3. All Lights Operational
- N. Tow Ball and Pintal Hook Attachment
- O. Safety Package
 - 1. 5 LB Fire Extinguisher
 - 2. Broom
 - 3. Shovel
 - 4. Pry Bar
 - 5. Bucket
 - 6. 5 Lbs. Oil Dry
 - 7. 2 Pair of T70 X 10 FT minimum chain
 - 8. 1 Pair of A80 X 10 FT minimum chain
 - 9. First Aid Kit
- P. Heavy Duty Class C Tow Trucks

All Heavy Duty Class C Tow Trucks shall have the following required equipment:

 - 1. Six (6) Sets of forks
 - 2. 2 - 8 ton snatch blocks
 - 3. 2 4 feet of 3/8" safety chains
 - 4. 2 - 15 feet of 1/2" recovery chains
 - 5. 2 - 16 feet of 6" recovery straps with 19,000 lb. lifting basket
 - 6. 1 - 50 lbs bag of oil dry
 - 7. 1 - Bolt cutters
 - 8. 1- Axe
 - 9. 1- Pry bar
 - 10. 1 - Broom
 - 11. 1 - Shovel
 - 12. 1 - Tow bar with cordless and/or 60' electronic cord
 - 13. 1 - 25' air hose with fittings for truck air supply
 - 14. The following additional equipment shall be timely brought to the accident site by the company if needed:
 - a. 1 - Air cushion compressor with hoses
 - b. 4 - Large air bags
 - c. 3 - Medium air bags
 - d. 3 - Small air bags
 - e. 1 - Starter bag
 - f. 1 - Forklift 5,000 lb. lifting capacity
 - g. 1 - Pallet jack
 - h. 4 - Rolls shrink wrap

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- i. 1 - Sliding wheel trailer 45' length with 20,000 lb. winch
- (4) *Recovery Class* for towing large trucks, road tractors and trailers, on controlled access highways and ramps when needed for public safety as determined by Emergency Service Providers in charge at the scene for life safety purposes:
 - A. The Tow Truck chassis shall have:
 1. a minimum manufacturer's capacity of not less than, GVWR 7 tons/ 54,000 pounds and tandem axles:
 - a. 11 X 22.5 Tires minimum
 - b. 11 X 24.5 Tires minimum
 - c. 295R X 22.5 or 24.5 Tires Minimum
 2. Minimum overall wheelbase 300" measured from the center of the bogey to the front steering axle
 3. Air brakes & air service lines
 - B. Wrecker shall have:
 1. Manufactured body minimum 156" cab to bogey Boom
 2. Manufactured boom capacity 50 ton rotator minimum
 3. Fully hydraulic recovery boom
 - a. Power elevation
 - b. Power extension
 4. Dual hydraulic mount 50,000 lb. winch motor
 - a. Direct mount winch motor
 - b. 6 x 37 IWRC 3/4 cable with swivel hook and 250' of continuous cable
 - c. Swidged cable (no clamps)
 5. Hydraulic power underlift
 - a. Power elevation
 - b. Power extension
 - c. 15,000 lb. lift capacity
 - d. 80,000 lb. tow rating
 - e. Minimum 105" of clear reach
 6. Heavy duty truck hitch w/chains or underlift attachment
 7. Hydraulic power rear jacks and/or spades
 8. Rotating light bar strobe
 9. Tow light bar w/cord
 10. Two (2) Air lines, 45' long, with a 3/8" minimum inside diameter
 11. Work lights
 - a. Upper set w/ swivel base
 - b. Lower set hook up
 - c. All lights must be operational

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12. Towball and pintle hook attachment
13. Safety package with First aid equipment approved by Wrecker Board.
- C. Recovery Class permit holders shall have:
 1. One licensed recovery class wrecker
 2. One licensed Class C wrecker - meeting the current specification for Class C Wrecker
 3. 1 Sliding axle trailer
 4. A "congear" system
 5. The following air cushions:
 - a. Two (2) Starter Cushions: Size 36" Diameter X 36" High 7,000 pounds - Vertical Lift (Each) 1,100 pounds Float Capacity
 - b. Four (4) Heavy Lift Cushions: Size 60" Diameter X 96" High 19,500 pounds - Vertical Lift (Each) 7,300 pounds Float Capacity
 6. Generator w/additional accident scene lighting
 7. Owner and/or first lease holder to fully insure storage lot (insurance issued to operator of tow service only) to hold minimum 4 complete tractor trailer units
 8. Minimum 35,000 Lb. Drag winch with 200 feet of cable
 9. One (1) set of acetylene/oxygen cutting torch with a minimum of 50 feet of hose lines
 10. One (1) 48 inch wrecking bar
 11. One (1) 1/2 inch nylon rope - minimum of 50 feet
 12. One (1) truck air brake release kit
 13. Two (2) nylon lifting slings 25 feet in length, 6 inches wide
 14. One (1) front end loader with minimum of 1-112 cubic yard bucket, or equivalent loading capability
 15. One (1) reciprocating electric saw
 16. One (1) air impact metal cutter
 17. One (1) engine driven air compressor with receiving tank, regulator hose reel and hose, with minimum of 5 hp /11.8 cfm
 18. One (1) 12-' inch circular saw (electric)
 19. One (1) 10 foot x 12 foot tarpaulin - canvas or equal
 20. One (1) 12 foot x 40 foot tarpaulin - canvas or equal
 21. One (1) set of 36 inch bolt cutters
 22. Four (4) 3/8 inch alloy tow chain - minimum of 20 feet, and brakes
 23. Four (4) ~ inch alloy tow chain - minimum of eight (8) feet
 24. Sufficient number of binders to secure loads up to 50,006 pounds
 25. One (1) axe
 26. Four (4) snatch block - 12 ton capacity

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27. One (1) set of four (4) cribbing beams, three (3) feet long
28. A Recovery Class wrecker shall be required to either own or contract all equipment required in Sections 8.2 through 8.5 of the Georgia Towing and Recovery Incentive Program (TRIP) which equipment is available for response 24/7.
29. All eligible companies for Recovery Class designation shall provide ongoing training to all their employees which satisfy TIME Task Force certifications and endorsements. In addition, each Recovery Class wrecker company shall have towing and recovery professionals employed who have attended at least eight (8) hours of training or continuing education every twelve (12) months. This training may include traffic incident management work shops, MUTCD traffic control flagger training, or advanced towing and recovery practices which are approved by the Wrecker Board.
30. All Recovery Class operators shall be familiar with quick clearance, best practices for incident scene management which shall comply with the practices referenced in the coordinated incident management tool kit for quick clearance by the 1-95 Corridor Coalition found at FS-17 through FS-18.

(b) The Emergency Communications Service Provider within the City of Chattanooga shall maintain a call list for each tow truck class. Notwithstanding the particular specifications for class A, class B, class C or Recovery Class wrecker, the Wrecker Board may grant a permit to a vehicle which is functionally equivalent for a particular class although the vehicle may not meet each and every specification. The applicant shall bear the burden of demonstrating through technical literature or otherwise that the vehicle is functionally equivalent.

(c) A Recovery Class wrecker shall be restricted to controlled access highways and such wreckers shall only be dispatched by the Emergency Communications Service Provider if one or more of the following factors are applicable:

- (1) There is major structural damage to a large truck(s), road tractor(s) or trailer(s) so as to result in an unstable situation which might result in more damage or a rupture of tanks or trailers and the potential spillage of contents; or,
- (2) There is wreckage in an uncontained state at the site of an accident; or,
- (3) Recovery of large truck(s), road tractor(s) or trailer(s) requires multiple pieces of equipment such as wreckers, loaders, cranes or other such equipment to clear affected thoroughfares; or,

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- (4) As required by Emergency Service Providers in charge at the scene for life safety purposes;
- (5) As determined by an appropriate official with Tennessee Department of Transportation (TDOT) or incident management official; or
- (6) Specific performance times shall be met by all Recovery Class operators or Class C operators who perform clearance work on controlled access highways.
- (7) The failure of any operator to clear vehicles from the traffic lanes on controlled access highways within ninety (90) minutes following an order to proceed from the Emergency Service Provider in charge at the scene shall result in citation to the Wrecker Board for consideration on future participation in the rotation list and/or the dispatch of another wrecker service to provide clearance of traffic lanes in the interest of public safety.
- (8) Notwithstanding any other provision of this chapter to the contrary, any Emergency Service Provider in charge at the scene may call for a recovery class wrecker with a rotator boom at the scene of any accident which, in the discretion of the Emergency Service Provider in charge at the scene will result in potential loss of life or serious injury in the event such equipment is not summoned as quickly as possible to the scene. A report shall be filed with the Police Department indicating the name of the emergency service provider and the reasons for sending a recovery class wrecker with a rotator boom whenever that decision is made.

(Ord. No. 12171, §1, 10-21-08)

Sec. 35-149. Wrecker board.

(a) The city beer board established by section 5-16 of this Code shall be named the Beer and Wrecker Board, which shall be herein referred to as the Wrecker Board.

(b) The Wrecker Board shall meet on every first and third Thursday at 9:00 a.m. in the City Council Assembly Room, and at such other times as it shall deem necessary.

(c) The Wrecker Board shall have the authority to approve, revoke or suspend district wrecker permits, and otherwise administer the provisions of this article.

(d) The action of the Wrecker Board in granting or refusing a district wrecker permit or in revoking or suspending a district wrecker permit shall be final, except as it may be subject to review by law.

(Ord. No. 12171, §1, 10-21-08)

Sec. 35-150. Permit-required; existing permittees.

No person shall engage in the business of, or offer the services of, a district wrecker; whereby motor vehicles are or may be towed or otherwise moved from one place to another by the use of a motor vehicle adapted for that purpose without having been issued a permit as provided by this article. Permits shall be issued for class A through recovery class wreckers as the vehicles meet the requirements of section 35-148. Additionally, permits shall be granted for "district wreckers" as provided herein.

(Ord. No. 12171, §1, 10-21-08)

Sec. 35-151. Same -- application.

(a) Any person desiring to obtain a district wrecker permit shall file with the wrecker inspector an application setting out, among other things, the following:

- (1) Name and address of the person desiring the license.
- (2) The location and full description of all property to be utilized in connection with the business, including tax parcel numbers and zoning of this property.
- (3) The number of wreckers or towing cars owned or available for use by the applicant and a full description of the wreckers sufficient to determine a proper classification under section 35-148. '
- (4) A statement that all wreckers are properly equipped for the applicable classification set forth in section 35-148 and contain the required equipment set out in 35-156, and that all wreckers meet applicable State and Federal regulations.
- (5) A statement that the wrecker or towing operator will accept responsibility for any and all personal property left in towed or stored vehicles.
- (6) A statement setting forth and describing available space including inside storage, if available, for properly accommodating and protecting all disabled motor vehicles to be towed or otherwise removed from the place where they had been disabled.
- (7) A statement that the applicant will provide twenty-four (24) hour service, including holidays, and that he will have a qualified operator on duty at all times for each district wrecker location licensed hereunder.
- (8) A statement that the wrecker or towing operator will not release any vehicles impounded by the city without authorization by the police department, that a

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file will be maintained on all vehicle release forms and that this file will be made available for police inspection upon request.

- (9) Information to show that the applicant has had at least one (1) year's experience as a wrecker operator.
- (10) An assurance that the applicant will maintain a minimum of two (2) properly equipped and operable wrecker throughout the year for which application is being made.

(Ord. No. 12171, §1, 10-21-08)

Sec. 35-152. Same -- fees; expiration date and renewal.

Any new applicant for a district wrecker permit under this article, except those who have been heretofore licensed under ordinances and procedures of the city in effect on the effective date of Ordinance Number 8415, shall be charged an application and investigation fee of two hundred dollars (\$200.00) to cover the expense of investigating the applicant, the place of business, and the wreckers and equipment. The initial applications and permits hereunder for currently licensed wrecker operators shall be without an investigation fee other than the fifty dollar (\$50.00) annual fee. If an applicant changes his business location or adds or substitutes a new or different wrecker, there shall be a supplemental investigation fee of one hundred dollars (\$100.00). Additionally, there shall be annual license fee of one hundred dollars (\$100.00) per wrecker licensed hereunder which shall be collected by the city treasurer upon granting an approved license or renewal license. All licenses shall expire on December thirty-first and applications for renewal shall be filed by November thirtieth of each year. Late applications for renewal will be considered in due course, but the applicant will not be privileged to operate such wreckers from December thirty-first until the renewal is approved by the Wrecker Board.

(Ord. No. 12171, §1, 10-21-08)

Sec. 35-153. Same -- investigation of applicant.

The wrecker inspector shall investigate or cause to be investigated each applicant for a district wrecker permit under this article to determine whether or not the applicant has the necessary equipment and facilities to qualify as a district wrecker operator, and, if the applicant is qualified. The Wrecker Inspector shall report his findings to the Wrecker Board and make a recommendation regarding the issuance of a district wrecker permit. Applications will be processed weekly by appointment with the Wrecker Inspector. Any applicant who has been convicted of a felony within ten (10) years of the date of the application shall not be permitted to obtain a wrecker or towing license within the City of Chattanooga. The wrecker board shall direct or make such further investigation as it deems proper and grant or refuse a permit.

(Ord. No. 12171, §1, 10-21-08)

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Sec. 35-154. Same -- issuance.

Every person qualified under this article shall be issued a permit by the city treasurer for each district wrecker approved by the wrecker board, which permit shall at all times be kept with each wrecker. The permit shall bear a notation "district wrecker." Such permit shall have printed thereon the year for which it is valid.

(Ord. No. 12171, §1, 10-21-08)

Sec. 35-155. Same -- revocation.

(a) The Wrecker Board shall suspend or revoke the permit of any permittee on the call rotation list maintained by the City on any of the following grounds:

- (1) If the permit was procured by fraudulent conduct or false statement of a material fact or a material fact concerning the applicant which was not disclosed at the time of his making application that would have constituted just cause for refusing to issue the license.
- (2) Failure of a district wrecker permittee to have an operable and properly equipped wrecker and qualified operator on duty at all times or to promptly respond to police calls.
- (3) If the district wrecker permittee has knowingly overcharged or consistently overcharges.
- (4) A violation of any provision of this article.
- (5) If a district wrecker does not meet all applicable State and Federal regulations.
- (6) The wrecker board may suspend or revoke a permit in its discretion for due cause not specified herein.
- (7) Specific performance times shall be met by all Recovery Class operators or Class C operators who perform clearance work on controlled access highways. The failure of any operator to clear vehicles from the traffic lanes on controlled access highways within ninety (90) minutes following an order to proceed from the Emergency Service Provider in charge at the scene shall result in citation to the Wrecker Board for consideration on suspension or removal from the rotation list in the interest of public safety.

(b) Such suspension or revocation shall terminate all authority and permission granted by such district wrecker permit to the licensee and the licensee shall be immediately removed from any call rotation list maintained by the City. Any person whose permit has

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been revoked shall not be eligible to again apply for a district wrecker permit for a period of two (2) years from the date of such revocation.

(Ord. No. 12171, §1, 10-21-08)

Sec. 35-156. Additional required equipment and standards.

In addition to the equipment required under the applicable district wrecker classifications set forth in section 35-148, all district wreckers shall also have and maintain additional equipment and standards as follows:

- (1) The following additional equipment is required:
 - A. At least one (1) heavy-duty push broom;
 - B. Flood lights on hoist to illuminate scene at night;
 - C. One (1) shovel;
 - D. A twenty (20) pound Class ABC Underwriter Laboratory approved fire extinguisher, a two and seven-tenths (2.7) pound Halon 1301/1211 fire extinguisher, or equivalent fire extinguisher adequately charged.
- (2) The appearance of all district wreckers shall be reasonably good with equipment painted.
- (3) All district wreckers shall display the firm's name, address and phone number. Such information shall be painted on or permanently affixed on both sides. Such lettering shall be at least three (3) inches high. Magnetic signs will not be permitted as a substitute.
- (4) It is the responsibility of the district wrecker service to have equipment for removing glass and other debris from the highway accident scene and to remove such debris from the highway.
- (5) It is the responsibility of the District Wrecker to have a business license issued by the City of Chattanooga.
- (6) Each District Wrecker company shall have a physical business office within the District in which it is located.
- (7) The phone for each District Office shall be listed in the company name and answered within the District where service is to be provided.
- (8) No District Wrecker company shall utilize employees of any other District Wrecker company. Joint use of employees is prohibited.

(Ord. No. 12171, §1, 10-21-08)

State law reference--Persons removing wrecked or damaged vehicles to remove glass, etc. from

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highway, T.C.A., § 55-8-170(c).

Sec. 35-157. Required storage facilities and procedures for district wreckers.

District wreckers must provide proper storage facilities and procedures as follows:

- (1) The wrecker operator shall provide a properly zoned (or lawful nonconforming use) fenced lot or building for proper and safe storage. Such lot for storage shall be located on the same property as the wrecker service or in close enough proximity to the wrecker service facility to permit the operator to visually observe the storage facility to prevent vandalism or other loss or damage to vehicles and their contents. The fence shall be a minimum of six (6) feet high, constructed of chain-link fencing, lumber, or other material which will serve as a significant deterrent to unauthorized entry. The fencing shall be equipped with lockable gates, which shall be locked at all times when the storage facility is unattended. There shall be room to store at least ten (10) cars within the fenced lot. Class C operators shall additionally have room to store a minimum of one tractor and trailer within the fenced lot.
- (2) Records of the vehicles towed and charges of tows from calls received from the city rotation list shall be maintained for at least one (1) year and shall be open for inspection by the city and the owner of any vehicle towed or his agent.
- (3) All vehicles towed under the rotation call list provided for by this ordinance shall be stored inside a building or inside the fenced storage facility described above unless an authorization to do otherwise is obtained from the vehicle's owners.
- (4) The wrecker service shall notify the registered owners and lienholders, within fifteen (15) days after any vehicle is towed pursuant to a request by any officer or official of the City of Chattanooga, of the location of the stored vehicles and the costs of securing possession of the towed and stored vehicle. Any wrecker service that fails to comply with the notice provisions of this section shall only be entitled to receive the costs of towing the vehicle and the costs for storing the vehicle during the fifteen (15) day notice period. The City of Chattanooga Police Department is hereby authorized to provide, upon written request, to the wrecker service company registration records on stored vehicles for the purposes of issuing the notice required by this section.
- (5) The wrecker service shall negotiate a reduced rate annually for storage of vehicles which are established to be stolen vehicles by the Police Department for the City of Chattanooga. The rate for stolen vehicles shall be one-half (1/2) of the normal storage charge for vehicles stored at the wrecker service.

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(Ord. No. 12171, §1, 10-21-08)

Sec. 35-158. Notification required for vehicles held over thirty days.

The state department of revenue will be notified of all vehicles held over thirty (30) days, except when arrangements for longer storage are made by the owner, as required by Tennessee Code Annotated section 55-16-101.

(Ord. No. 12171, §1, 10-21-08)

Sec. 35-159. Insurance.

Before the Wrecker Board shall approve a district wrecker permit under this article including a renewal license, the applicant shall deposit with the wrecker inspector a certificate of an underwriter that the applicant has in force a policy or policies of insurance issued by an insurance company authorized to transact business in the state and has the minimum insurance coverage required by applicable State and Federal regulations and as follows:

- (1) A general liability policy covering the operation of applicant's own business, equipment or vehicles for bodily injuries in the amount of three hundred thousand dollars (\$300,000.00) for anyone (1) person killed or injured, seven hundred thousand dollars (\$700,000.00) for more than one (1) person injured or killed in anyone accident and one hundred thousand dollars (\$100,000.00) for all damage arising from injury to or destruction of property. All such policies shall include cargo or "on-hook" riders or otherwise protect the operator against such liability. All such policies shall include garage keeper's liability riders or otherwise protect the operator against liability for damage to towed or wrecked cars kept on the premises arising from fire, theft, or other casualty.
- (2) All applicants shall provide a copy of such insurance policies with their application and shall provide copies of all renewals thereof to the Wrecker Inspector. The insurance policy shall be subject to approval by the City Attorney, or his designees, as to the minimum requirements contained herein. A certificate of insurance shall be provided which contains an endorsement providing a minimum of ten (10) working days' notice in the event of a cancellation of the policy or an expiration of a policy without a copy of a renewal being provided to the Wrecker Inspector, any license issued hereunder shall be suspended until a new policy and certificate of insurance are provided.

(Ord. No. 12171, §1, 10-21-08)

Sec. 35-160. Billing and charges for district wreckers.

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All applicants for a district wrecker permit shall be subject to regulation as to billing and charges for any call from the police department referred to the district wrecker under the call rotation system as follows:

- (1) The owner of a wrecker or towing car shall have prepared billheads with his name and the address of his place of business printed thereon. If requested by the owner of the disabled vehicle, the operator of the wrecker before towing a disabled vehicle away shall prepare a bill on his billhead form in duplicate, the original of which shall be given to the owner of the disabled vehicle or his authorized representative. This bill shall contain the following information:
 - A. Name and address of person engaging towing car.
 - B. State license number of disabled vehicle.
 - C. Storage rates per day or part thereof.
 - D. An estimate of the amount to be charged for towing which may thereafter only be adjusted for good cause. The printing of a schedule of fees on a billhead marked as to services rendered shall be sufficient for this purpose.
- (2) The duplicate copy of the bill shall be retained by the wrecker or towing car owner for a period of one (1) year, and shall be subject to inspection by the wrecker inspector or his duly authorized representative.
- (3) In the event the bill is for an amount more than the schedule of charges for routine services described in paragraph (4) below, then the bill shall contain an itemization of the number of worker-hours involved in the recovery and towing of the disabled vehicle, an itemization of the vehicle-hours involved, and any other special charges which cause the bill to be higher than the schedule of charges for routine services.
- (4) The maximum charges for district wrecker calls shall be as follows:

<i>A Class</i>	Daytime tow	\$125.00
	Night/Weekend/Holiday	\$135.00
	Daily Storage (After 8 Hours)	\$15.00 per day
	Extra Winching	\$50.00
	A. Extra winching is for overturned vehicles and/or Vehicles off roadway and down an embankment.	\$45.00
	Dollies (If wrecker is used)	
	B. Dollies are chargeable only if a wrecker is used for the tow, not in cases where a rollback is used.	
	There should be no extra charge allowed for a	

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rollback tow.

<i>B Class</i>	Day time	\$250.00
	Night/Weekend/Holiday	\$285.00
	*Extra Winching	\$150.00
	(Extra winching if for overturned vehicles and/or Vehicles off roadway and down an embankment).	
	Daily Storage (After 8 Hrs)	
	A. Tractor	\$35.00 per day
	B. Trailer	\$35.00 per day
<i>C Class</i>	Daytime tow	\$425.00 per hour
	Night/weekend/holiday	\$500.00 per hour
	Daily Storage (After 8 Hours)	
	A. Tractor	\$35.00 per day
	B. Trailer	\$35.00 per day
	*Extra Winching (per 1/2 hour)	\$225.00 per ½ hour
	(Extra winching is for overturned vehicles and/or Vehicles off roadway and down an embankment).	
	Air Bags (first 2 (two) hours)	\$1,000.00
	(\$500.00 per hour starting with hour 3)	

Any additional charge by Class A, Class B, or Class C wreckers for winching, dollies, wheel lift or rollbacks, or other equipment or services not normally incident to towing wrecked or disabled vehicles shall be allowed only when the additional charge is (1) reasonably necessary to retrieve a wrecked vehicle which is off of the road or overturned; (2) to protect the wrecked or disabled vehicle from reasonably foreseeable additional damage should the device not be used; or (3) at the request of or permission of the owner or operator. An additional charge can be made for the pneumatic devices used to raise overturned trucks or other equipment not normally used in a tow. If more than one wrecker is necessary for recovery of the wrecked disabled vehicle the charges shall apply to each vehicle. In all cases involving a combination

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vehicle of five (5) or more axles or a single vehicle with a gross vehicle weight rating of twenty-six thousand and one (26,001) pounds or more, total charges computed utilizing the previously itemized schedule of hourly rates and equipment charges shall not exceed the total maximum recovery cost that would be applicable using the following schedule of permissible charges by weight for Recovery Class operations. Any dispute over reasonableness of any rates charged under this chapter shall be resolved by the Wrecker Board.

Class C and Recovery Class operations may elect to charge for the following services in lieu of an hourly rate charge provided adequate billing records are maintained and any disputed billing is subject to review by the Wrecker Board:

- A. Contained recovery/winching for all recovery jobs in which there is no clean-up of debris from the vehicle to be recovered and cargo doors remain closed. 7.0¢ per pound
- B. Salvage/debris recovery for picking up debris/parts or loading from one vehicle to another, or a vehicle that breaks apart and needs to be towed from the scene. 8.0¢ per pound
- C. The following charges may be added to the contained recovery/winching or salvage/debris recovery when applicable, and if specified on the billing invoice:
 - 1. Inclement Weather: rain, snow, or if the temperature is below 25° F 1.5¢ per pound
 - 2. Nights, Weekends and Holidays: Includes times after 7:00 p.m. and before 8:00 a.m. and any time on Saturdays, Sundays, and all public holidays 1.5¢ per pound
 - 3. Wheels higher than roof: If any wheel is higher than any part of the roof 1.0¢ per pound
 - 4. Embankments or Inclines: If it is necessary to work on an embankment or incline 1.0¢ per pound
 - 5. Back Door Frame Open: If the back doors cannot be closed or the door frame is torn away and the integrity of the trailer is jeopardized. 1.0¢ per pound

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6. Tractor from under Trailer: If the tractor separates from the trailer in the crash 1.0¢ per pound
7. Major Suspension Damage: If major suspension damage has an impact on the recovery, e.g., axles have been torn from suspension, but does not include if only the front axle is involved. 5.0¢ per pound
8. Air Bags: 1,000.00 first 2 hours;
\$500.00 per hour thereafter
9. Sublet Charges: For tractor trailers, dump trucks, backhoes, containers, roll of containers, traffic control devices and personnel and other equipment necessary for the recovery which is not required equipment to qualify as a recovery class or any other wrecker class under this ordinance. Sublet charges shall be reasonable rates based upon the market rate for renting said equipment in the City of Chattanooga.
10. Exposure to Hazardous and/or Flammable Materials: Charges for personnel being exposed to the risks associated with hazardous materials and/or flammable materials, not including the charges for the clean of said materials. This charge shall be a reasonable charge based upon the market rate in this State. The burden shall be upon the wrecker company to establish the market rate.

All Licensed Class C and Recovery Class operators must keep on file at their location, for a period of one year, video documentation of the scene, and the conditions for which all additional charges are being billed pursuant to this article. Video documentation shall consist of videotape, film, photographs, or other media which accurately depicts the scene and conditions as they actually appeared at the time of recovery.

No storage fee shall be charged by any district wrecker class if the vehicle is reclaimed by the owner within the first eight (8) hours.

For every wrecker class, if more than one owner or employee per wrecker is of necessity assigned to assist in the recovery of the disabled vehicle, the normal hourly wage of the additional employee's adjusted fringe benefits can be made as an additional charge.

(Ord. No. 12171, §1, 10-21-08)

Sec. 35-161. Districts for district wreckers.

(a) The city shall be divided into six (6) districts for the purpose of administering the wrecker districts. An applicant for a district wrecker permit for a particular zone must have an office and storage facilities within that district. The place of business must be within the city limits unless the wrecker operator was licensed as a district wrecker prior to the effective date of Ordinance Number 8415 (January 22, 1985). A district wrecker company shall apply to be listed in no more than one (1) district for each separate place of business. Police calls will be placed only to operators within the district and will be placed from a separate rotating call list for Class A, Class B, Class C and Recovery Class wreckers. Class B wreckers may be listed on both the "A" and "B" class list upon request. Class C wreckers may be listed on both Class "C" and Class "B" upon request.

(b) The wrecker board shall have the duty and responsibility to recommend to the mayor from time to time that the wrecker districts established hereunder be changed to more efficiently serve the public interest. Prior to making such recommendations, the wrecker board shall receive reports from the wrecker inspector and the staff of the Chattanooga-Hamilton County Regional Planning Commission as to changes they may recommend.

(c) The city shall be divided into six (6) wrecker districts described as follows:

District 1: This area shall cover North Chattanooga, Suck Creek, and a portion of Mountain Creek. It is bounded on the east, south and west by the northern bank of the Tennessee River. It is bounded on the north by Access Road, thence southwestwardly along Hixson Pike to Ashland Terrace, thence westwardly along Ashland Terrace to the Red Bank corporate boundaries, but not including said streets. It shall also be bounded on the north by the Red Bank corporate boundaries and in the Mountain Creek area by the intersection of Mountain Creek Road and Morrison Springs Road.

District 2: The area bounded on the west by the corporate boundaries; bounded on the north by the Tennessee River to the west line of Market Street, but excluding said street; southwestwardly along the west line of Market Street to its intersection with 1-24; thence along 1-24 and including 1-24 to the Central Avenue exit; thence along the south line of 124, but excluding said interstate to the Chattanooga-East Ridge corporate boundaries; bounded on the east by the Chattanooga-East Ridge boundaries; and bounded on the south by the corporate boundaries.

District 3: The area bounded on the west by the west line of Market Street, and including said street from and including the Market Street Bridge southwardly along Market Street to the 1-24 overpass; and thence bounded on the south by the north right-of-way line of 124 but excluding said interstate to the Central Avenue exit; thence along the south right-of-way line of said interstate and including said interstate to the Crest Road overpass ("Ridgecut"); bounded on the east by the west line of Crest Road and excluding said road to the intersection of Wilcox Boulevard to where

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said boulevard, if extended, would cross the Tennessee River; thence along the north bank of the Tennessee River to the point of beginning including Veterans Bridge and the Market Street Bridge.

District 4: The area north of Wilcox Boulevard and Shallowford Road, but excluding said streets, and east of the western boundary of the Tennessee River including the C. B. Robinson Bridge and the Wilkes T. Thrasher Bridge and their approaches northeastwardly to the corporate boundaries. The area is bounded on the south by Districts 3 and 5 and on the west by District 1.

District 5: The area of the corporate boundaries south of the above-described District 4 and east of the above-described District 3. It is bounded on the west by Crest Road and includes said road. It is bounded on the north by Wilcox Boulevard and Shallowford Road and includes said streets.

District 6: This area shall cover Hixson and the northern Mountain Creek area. It shall be bounded on the east by the Tennessee River, on the south by Access Road, thence southwestwardly along Hixson Pike to Ashland Terrace, thence along Ashland Terrace to the Red Bank corporate boundaries including said streets. It shall cover those areas north of the Red Bank corporate boundaries to the corporate boundaries of Chattanooga and it shall include those areas of Mountain Creek north of the intersection of Morrison Springs Road and Mountain Creek Road.

(d) Class C wrecker permittees shall be on a city-wide rotation list for towing large trucks, road tractors and trailers where a Recovery Class wrecker is not required on controlled access highways and ramps in the determination of the Emergency Service Provider in charge at the scene. If requested, they will be placed in district for purposes of responding to smaller disabled vehicles.

(Ord. No. 12171, §1, 10-21-08)

Sec. 35-162. Regulations for district wreckers.

A district wrecker permittee shall follow these procedures:

- (1) No district wrecker permittee shall operate his business jointly with any other district wrecker permittee. Joint operation shall include common or joint use of any real or personal property as specified more fully in paragraph (19) below, or joint use of any employees as specified more fully in paragraph (20) below.
- (2) No permittee shall directly or indirectly operate more than one (1) district wrecker within the same zone. Indirect operation shall include common or joint use of any real or personal property as specified more fully in paragraph

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(19) below, or joint use of any employees as specified more fully in paragraph (20) below.

- (3) No permittees shall be permitted to operate in more than one (1) zone unless each separate location shall separately meet all of the qualifications for a permit.
- (4) All permittees are expected to be familiar and comply with the traffic laws of the city and the state, and abide by all provisions of this article.
- (5) Permittees will be familiar with and abide by all provisions of this article.
- (6) No permittee shall charge unreasonable rates for services rendered.
- (7) Permittees shall be available for twenty-four (24) hour service with vehicles in proper operating condition and a qualified operator on duty.
- (8) Operators shall carry vehicles to any destination within the city at the owner's or operator's request when charges therefore have been prepaid.
- (9) Permittees shall have a telephone number prominently posted for after-hours release of vehicles. The permittees may make an additional charge not to exceed \$50.00 for releasing a vehicle other than during normal business hours, provided that the location is not otherwise open for business. A permittee shall release a vehicle within two (2) hours after a request by the owner or owner's agent.

(Ord. No. 12467, §1, 1-25-11)

- (10) The police department may direct that a police impoundment be towed to a city lot at no additional charge.
- (11) Amber lights are to be used in the immediate vicinity of a wreck and while towing a vehicle.
- (12) All operators shall respond to a wreck within a reasonable time after being called, and except for exigent or unusual circumstances a response must be made within thirty (30) minutes after the dispatch request is made to the wrecker operator. If the wrecker is engaged elsewhere or for any reason the wrecker operator cannot reasonably expect to respond within thirty (30) minutes, it shall be the duty of the wrecker operator to so advise the police department and decline to accept the call whereupon the next wrecker operator on rotation shall be called. Any operator failing to respond timely to a rotation call shall be placed at the bottom of the rotation call list.
- (13) No licensee shall refer or delegate police calls to other wrecker companies.

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- (14) No answering service, paging service or similar service or procedure may be used to forward a call to an owner or employee of the wrecker service during normal business hours. The operator may provide for an after-hours number which shall be provided to the wrecker inspector.
- (15) The first wrecker operator at the scene shall tow the vehicle causing the greatest hazard as directed by the investigating police officer.
- (16) No repairs or other additional services shall be performed except on request of the owner.
- (17) An operator may accept a dispatch of more than one (1) wrecker only if qualified wreckers and operators are available within the time limits specified above.
- (18) All district wrecker permittees shall file with the Wrecker Inspector a photocopy of a current operator's license for each employee authorized to operate a wrecker or otherwise employed by the company. The photocopy of any new operator's license shall be filed within ten (10) days following employment or renewal of the operator's license. All employees of any permittee shall be subject to a background investigation by the Chattanooga Police Department to determine whether they have any felony convictions within ten (10) years of the date of the investigation. Any State of Tennessee background check may be acceptable to the City of Chattanooga if it is performed within six (6) months of the issuance of any permit required by this Ordinance.
- (19) No district wrecker permittee shall jointly use any real or personal property with any other district wrecker permittees except as provided herein. Real property shall be considered to be jointly used if it is used in any manner for the use or storage of any wrecker, wrecker equipment, or wrecked and disabled vehicles by two (2) or more permittees. Separate recorded parcels of real property shall be deemed to be one parcel of real property for purposes of this Ordinance if (1) the parcels have any common boundaries; (2) the boundaries of the parcels are separated only by a public street, alley, or private driveway; or (3) a common parcel of property as described above was subdivided, sold, leased, rented, or in any manner divided or conveyed on or after the effective date of the Ordinance by the owner of such property to create separate parcels. No district wrecker permittee shall use any wrecker, equipment or other personal property owned by another district wrecker permittee, excluding bona-fide lease or rental contracts for a term of thirty (30) days or more except upon a written lease or rental agreement supported by fair market consideration. A copy of any such lease or rental contract shall

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be filed with the Wrecker Inspector within thirty (30) days of the vehicle first being used on district wrecker calls. District wrecker permits issued prior to September 1, 1989, may be renewed without regard to the requirement for separate recorded parcels of real property and operated notwithstanding the provisions of paragraphs 1 and 2 of this section.

- (20) Each district wrecker operator shall regularly employ at least two primary operators for each location permitted under this Article who shall be employed forty (40) hours per week during normal working hours or a normal work week if the permittee's normal work week for employees is less than forty (40) hours. A photocopy of the primary operator's chauffeur's license or commercial motor vehicle license shall be submitted to the Wrecker Inspector within ten (10) days following their employment and the operator shall keep the Wrecker Inspector advised of any changes in employment of such operators within ten (10) days. The same person cannot be qualified to act as the primary operator for more than district wrecker permittees. Nothing herein shall prevent a primary operator of one permittee to act as a part time operator for another permittee. The owner(s) may qualify as a primary operator(s) providing that he or she regularly operates the wrecker and responds to wrecks or disabled vehicles personally during normal business hours. At the discretion of the editor, the word "charges" was amended to read "changes" due to an inadvertent clerical error contained in Ord. No. 9246, § 6, adopted 9-19-89.

(Ord. No. 12171, §1, 10-21-08)

Sec. 35-163. Vehicles to be towed to place designated by owner; coercion at scene of an accident prohibited.

The wrecker operator may tow the wrecked or disabled vehicles to the operator's place of business; provided, if the owner or agent of the wrecked or disabled vehicle pays or secures the towing charges, then the wrecker operator or crane operator shall pull the vehicle to any place within the city designated by such owner or agent. It shall be unlawful for the owner of a district wrecker, his agent, employee or representative at the scene of any accident to high-pressure or otherwise to coerce or insist upon any owner of a wrecked or disabled vehicle to sign a work order or agreement at the scene of the accident for any repairs to be made on such wrecked or disabled vehicle.

(Ord. No. 12171, §1, 10-21-08)

Sec. 35-164. Wreckers to go to scene of accident on call of police only at owner's or operator's request.

(a) It shall be unlawful for any district wrecker operator, or his agent or representative, to go to any place where an accident has occurred unless called by the Emergency Services Dispatcher or unless requested by the owner or operator of a vehicle involved in the accident in the manner provided within Section 35-169 of this Article. In

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either situation, the wrecker shall clear with the police dispatcher before going to the accident scene.

(b) It shall be unlawful for the owner of any district wrecker, or his agent or representative to go to the place of a wreck by reason of information received by shortwave or police radio.

(Ord. No. 12171, §1, 10-21-08)

Sec. 35-165. Solicitation of towing work by operator, etc., of district wrecker prohibited.

A district wrecker operator shall not proceed to the scene of a disabled motor vehicle without having been requested or notified to do so, as provided in section 35-164 of this Code. Responding to an accident without being called by the Emergency Services Dispatcher or without the prior written request of the owner or operator of a vehicle involved in the accident shall be considered a violation of this article; provided that, the provisions of this section shall not be operable during periods of snow emergencies proclaimed by the mayor or under the provisions of section 24-376 of this Code.

(Ord. No. 12171, §1, 10-21-08)

Sec. 35-166. Call and notification procedures for emergency towing and storage.

(a) Whenever any police officer finds a vehicle standing upon any street or highway which constitutes a hazard to the safe movement of traffic along such street, or when the towing of such vehicle is otherwise permitted by this Code or other applicable law, the officer shall:

- (1) Notify the Emergency Services dispatcher, who shall call the district wrecker having the class of wrecker necessary;
- (2) The district wrecker shall tow the wrecker or disabled motor vehicle in the manner and procedures as provided in this article; and
- (3) The district wrecker shall be entitled to recover any unpaid charges for towing and storage in accordance with title 55, chapter 16, Tennessee Code Annotated, "Unclaimed or Abandoned Vehicles."

(b) Call and Notification Procedures:

- (1) When a member of the Chattanooga Police Department is dispatched to a crash, motorist assist, or any other request for assistance, the investigating officer, after determining the need shall contact the dispatcher. The emergency services dispatcher will notify the next scheduled tow truck to respond, provided that the affected parties have not already made contact with a towing

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company of their choice. No tow truck shall remove a crashed vehicle from the scene without it being investigated by a law enforcement agency.

- (2) Tow trucks shall be available for immediate response twenty-four (24) hours a day.
 - A. Tow truck operators must respond in a reasonable length of time, as determined by the requesting officer, or the next scheduled tow truck will be called and the first one (1) will lose its turn. Continual slow responses shall be noted and addressed by the wrecker inspector and brought to the Wrecker Board for review.
 - B. If a busy signal is received, the next scheduled tow truck will be called and the first one (1) will lose its turn.
 - C. If the towing company uses an answering service and the call back is not received in a reasonable length of time, as determined by the requesting officer, the next scheduled tow truck will be called and the first one (1) will lose its turn.
 - D. Towing companies shall respond "Yes" or "No" when asked if they can respond to a call in a reasonable amount of time.
 - E. Towing companies cannot refer a call to another towing company or substitute another company's tow truck to avoid losing a turn on the district wrecker rotation call.
 - F. Operators refusing a call, or failing to respond promptly to a call, may be removed/suspended from the district wrecker rotation call.
 - G. Towing companies are restricted to a maximum of two (2) telephone numbers on the district wrecker rotation call list. "Call Waiting" and "Call Forwarding" are recommended; pagers and beepers are not allowed.
 - H. Tow truck operators who fail to answer a call will lose the call. If two (2) calls are missed on the rotation of the list, an investigation will be made by the wrecker inspector and suspension or removal will be considered by the Wrecker Board.
- (3) If tow truck operators desire to be off-duty for any length of time, they shall inform the Chattanooga Police dispatcher to avoid removal from the rotation of the list. Upon returning, the tow truck operator will be placed back on the rotating list.

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- (4) Only one (1) towing company shall be called to anyone (I)-vehicle crash. If additional equipment or recovery vehicles are needed to adequately complete a tow (i.e.: tractor-trailer, rollover or difficult auto recovery), the severity of the situation and the estimated response time of additional equipment will be weighed by the investigating officer at the scene, who will be the deciding authority. If such request is granted, the investigating officer shall note it on the Tow/No Tow Report.
- (5) When multiple vehicles are involved and multiple tow trucks are called:
 - A. The first tow truck arriving at the scene will tow the car causing the greatest traffic hazard, which will be determined by the member of the Tennessee Department of Safety or the investigating officer in charge at the scene.
 - B. If a requested tow truck arrives first, the tow truck will help remove vehicles causing traffic hazard from roadway, then pick up the requested tow.
 - C. If a towing service has two (2) tow trucks, two (2) vehicles may be towed without loss of turn on the rotation, provided both tow trucks can respond simultaneously and both have passed inspection and been certified.
 - D. In the event of an extreme emergency, the investigating officer may request 'the nearest available certified tow truck. Should this occur, members will make thorough notations for courses of action taken on the Tow/No Tow Report (SF-0156).
- (6) When a tractor-trailer combination is involved in a breakdown and requires a tow, the combination can be towed to the first safe haven, towing facility, or repair facility. If the vehicle is towed beyond these points, it shall be separated and the tractor and trailer will be towed independently of each other. Tractor-trailers involved in crashes shall be separated at the crash scene before being towed.
- (7) All certified towing companies shall be prohibited from "chasing" or "running" crashes or "break-downs", without a bona fide call from a Chattanooga police dispatcher or request from the owner. Violations of this provision will be subject to suspension or removal from the district wrecker rotation call list. This includes solicitation by those persons who have a right to be there.

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- (8) Towing companies are expressly prohibited from calling Chattanooga Police dispatch to determine their place on the call list. Wrecker Inspector will address concerns of position or placement on the call list and bring any violations to the attention of the Wrecker Board.
- (9) Except as provided in Sections 35-164 and 35-169 of this Chapter, if a towing service is at the scene of a crash when the investigating officer arrives without being called by the Chattanooga Police Department of person(s) involved; the towing service will be sent back by the investigating officer and lose its turn on the district wrecker rotation call.
- (10) The towing of abandoned vehicles is a necessary part of the responsibilities of Chattanooga Police officers and Neighborhood Services employees for the City of Chattanooga. After vehicles have remained abandoned for a period of time specified by law, towing companies will be required to remove these vehicles when requested. In order to provide equitable service, the City department requesting vehicles to be towed shall maintain a separate listing for these vehicles. When a towing company is requested to remove one of these vehicles, IT SHALL NOT AFFECT THE TURN ON THE DISTRICT WRECKER ROTATION CALL LIST FOR OTHER CALLS FOR SERVICE. This shall apply provided that, when called, the towing company responds and does not forfeit or decline the call. If more than two (2) calls for removal on the .Abandoned Vehicle Call List are missed, actions will be taken to place the towing company at the bottom of the Call List for other calls for service.

(Ord. No. 12171, §1, 10-21-08)

Sec. 35-167. Fleet Service Contracts.

(a) Owners or operators of a fleet of vehicles may apply to the wrecker inspector to have their vehicles listed with the police department for the dispatch of a particular wrecker service in lieu of having the district wrecker respond to a wreck for a disabled vehicle. To defray the cost of establishing and maintaining this system, each applicant shall pay a fee of twenty dollars (\$20.00) with the original application and an additional twenty dollar (\$20.00) fee for each amendment thereafter. Such applications shall be accepted only from owners or operators having a right to directly control the use of the vehicle, and they shall not be accepted from auto repair facilities or leasing companies other than for vehicles directly used in such businesses.

(b) If an owner or operator of a fleet of vehicles has a request on file to notify a particular wrecker service, and the police officer on the scene is so notified, he shall radio the dispatcher who shall notify the requested wrecker company, if the wrecker company meets the qualifications and response time set forth in this Ordinance to tow the type of vehicle to be towed, and to do so would not interfere with the public's health, safety or welfare.

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However, if the officer or dispatcher is notified of a particular wrecker service after a district wrecker has been dispatched, then the request for the particular wrecker service shall be denied, notwithstanding the fact that an application has been filed and the twenty-dollar (\$20.00) fee paid.

(Ord. No. 12171, §1, 10-21-08)

Sec. 35-168 Severability.

If any provision of this article is determined to be unenforceable or invalid, such determination will not affect the validity of the other provisions contained in this article. Failure to enforce any provision of this article does not affect the rights of the parties to enforce such provision in another circumstance, nor does it affect the rights of the parties to enforce any other provision of this article at any time.

(Ord. No. 12171, §1, 10-21-08)

Sec. 35-169 Owner's request.

(a) Any business within the City of Chattanooga who desires to authorize one (1) wrecker company to do all towing for that business within the City of Chattanooga shall sign a notarized document which shall be filed with the Wrecker Board, Chattanooga Police Department and 911 Board, authorizing such business arrangement.

(b) Any individual or company requesting a specific wrecker or towing operator to tow their vehicle within A Class or B Class shall sign a document which shall be provided by the investigating officer at the scene.

(c) It shall be a violation of this Ordinance for any individual to recommend a wrecker service. A listing of all licensed wrecker or towing operators shall be made available by the investigating officer for the District of the location of the vehicle collision.

(d) Whenever an investigating officer of the Chattanooga Police Department or the Tennessee Highway Patrol arrives at the scene of any vehicle collision, the responding agency will utilize its respective rotation lists depending on the first unit to arrive at the scene.

(e) Owner's requests for C Class or Recovery Class wreckers shall be submitted in writing to the Chattanooga Police Department and 911 Board with the name of owner and wrecker requested. No tow truck shall be allowed to remove vehicles from any controlled access highway or ramp unless such tow truck is dispatched by the Emergency Communications Provider or unless a written request for owner's request service is on file with the Chattanooga Police Department and 911 Board. No changes in owner's request shall be made unless a written request is filed with the Chattanooga Police Department and 911 Board for at least two (2) business days before the request is made.

(Ord. No. 12171, §1, 10-21-08)

Sec. 35-170 Penalties for violation of the wrecker board ordinance.

(a) Any violation of this Ordinance may be brought to the Wrecker Board by the Wrecker Inspector. For the first violation of this Ordinance by a wrecker or towing operator, the District Wrecker shall be subject to a thirty (30) day suspension from the call rotation list on all classes held by the District Wrecker.

(b) For the second violation of this Ordinance by a wrecker or towing operator, the District Wrecker shall be subject to a suspension of six (6) months from the call rotation list on all Classes held by the District Wrecker on all classes held by the District Wrecker. .

(c) For the third infraction of this Ordinance by a wrecker or towing operator, the District Wrecker shall be subject to a three (3) year suspension from the call rotation list on all classes held by the District Wrecker.

(d) Any District Wrecker determined to be in violation of this Ordinance shall not be penalized by earlier violations which are more than three (3) years old at the time of a violation. The Wrecker Board shall not consider any violations which are more than three (3) years old in the application of any call rotation list suspension.
(Ord. No. 12171, §1, 10-21-08)

Sec. 35-171. Non-consent towing from private property.

(a) It is unlawful for any person, or the person's agent, to move or cause to be moved, any motor vehicle located on private property, from the property, if the owner of the motor vehicle has acquired any interest in the private property by virtue of a lease or any contract, without the express consent of the owner of the motor vehicle; or upon request by the owner or tenant of the property on which the vehicle is located; or unless the person so moving the motor vehicle has acquired an interest in the vehicle by operation of law, a security interest agreement, or is acting pursuant to an order of a court of competent jurisdiction, including a municipal court.

(b) A tow or wrecker operator shall notify the Chattanooga Police Department of any non-consent tow of a motor vehicle from a private property. The Notice required by this subsection shall be sent electronically or telephonically within one (1) hour of making the non-consent tow of a motor vehicle from a private property. A tow or wrecker operator shall send written confirmation of the non-consent tow of a motor vehicle from a private property within two (2) days if the motor vehicle is not claimed by the owner of record or the owner of record's representative. The written notice required by this subsection shall be waived if the tow or wrecker operator provided timely electronic or telephone notice to the Chattanooga Police Department and the owner or owner's representative has reclaimed the motor vehicle.

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(c) Prior to towing a vehicle from private property without the vehicle owner's consent, the wrecker or towing operator must have express written authorization for towing of that vehicle from the owner of the private property or the owner's designated agent. When an individual is designated by a private property owner to act as an agent to authorize towing from the property, such designation must be in writing and signed by the private property owner. There shall be some relationship between the private property owner and the designated agent, and there may be no personal or business relationship between the designated agent and the wrecker or towing operator. No employee of a wrecker or towing operator or designee of a wrecker or towing operator may patrol or otherwise participate in the decision making processes about which vehicles are to be towed, including but not limited to, the placing any sticker, signal or any other form of designation on any vehicle to be towed. Contracts or written agreements between a wrecker or towing operator and private property owners for non-consent towing must be retained by the wrecker or towing operator, and must include the property owner's signature and the signature(s) of any agent(s) designated by the private property owner. The wrecker or towing operator must make these documents available for inspection by the Chattanooga Police Department at any time. Maximum allowable rates for non-consent towing from private property will be as specified in subsections (d) and (e) of this Section.

(d) Any person {all licensees} who engage in the business of towing vehicles from public or private property shall post a notice on each vehicle, in letters not less than two (2) inches high and appearing in a legible manner on the boom or rear of the wrecker as follows:

"FEE TO DROP VEHICLE BEFORE DEPARTING:

Two Axle	\$75.00
Three or More Axles	\$150.00

If the owner or operator of the vehicle is present and removes the vehicle to be towed from the premises before it is connected to the towing vehicle, the owner or operator shall not be charged any fee. If the owner or operator of the vehicle is present after the towing vehicle has been connected to the vehicle to be towed, the vehicle shall not be towed, but the owner or operator of the vehicle shall be liable for a reasonable fee not to exceed Seventy-five Dollars (\$75.00) for two (2) axle vehicles and One Hundred Fifty Dollars (\$150.00) for three (3) or more axle vehicles in lieu of towing, provided the owner or operator of the vehicle forthwith removes the vehicle from the premises. A vehicle shall be deemed connected if every procedure required to secure the vehicle to the wrecker or wrecker equipment so that the vehicle may be safely towed has been completed at the time the owner or operator arrives, including the attachment of any safety chains.

(e) Rate Schedule for Non-consent Towing from Private Property. Any wrecker or towing operator engaged in the business of non-consent towing shall not charge the owner

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of any towed vehicle or personal property in excess of the following rates:

Towing:

- (1) Two (2) axle vehicles under seven thousand pounds GVWR.... \$150.00, excluding storage fees.
(Ord. No. 12467, § 2, 1-25-11)

- (2) Vehicles over seven thousand pounds GVWR:

Length of 26 feet and under	\$250.00 (daytime tow); \$285(Night/Weekend/ Holiday)
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Length of 26 feet and over	\$425.00 (daytime tow); \$500(Night/Weekend/ Holiday)
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- (3) The maximum fee for storage of a vehicle removed from private property {without the owner's consent} shall be Twenty Dollars (\$20.00) per day. No storage fee shall be charged for a vehicle stored for twenty-four (24) hours or less. Any vehicle towed under this section shall be released within two (2) hours after a request by the owner or owner's agent.
(Ord. No. 12467, § 3, 1-25-11)

- (4) In addition to the rates authorized above, tow and wrecker companies are authorized to charge a one-time processing fee of Fifteen Dollars (\$15.00) for any vehicle remaining in storage on the company lot for more than ten (10) days to offset direct costs for notification to the owner or lienholder as required by state law.

(f) The towing fees set forth in this Section shall be all inclusive; no additional fees may be charged, for using dollies, trailers, lifts, slim jims or any other equipment or service, or for mileage.

(g) The towing of any vehicle without the consent of the owner must be reported to the Chattanooga Police Department within one (1) hour of the completion of the towing of the vehicle. The towing operator or wrecker service shall advise the Chattanooga Police Department at that time of the non-consent tow of the location from which the vehicle was towed, vehicle identification number (VIN), license number, make, model and color of the vehicle.

- (h) Tows from private property shall conform with the requirements of this

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Section along with federal and state laws, including T.C.A. § 55-16-112 and T.C.A. § 66-28-518.

(Ord. No. 12393, § 1, 5-11-10)

(i) It shall be unlawful for a property owner or a property owners' agent, tenant, lessee, occupant or person in possession of premises to authorize a tow for the removal of a vehicle from private property unless the premises are clearly marked with identifiable signage that states unauthorized parking of vehicles on the premises shall result in a vehicle being removed or towed without the vehicle owners' consent for a fee. The signage shall be conspicuously posted and shall also include information as to the location where the vehicle can be recovered, the cost of said recovery, and information as to the form of payment; provided, however, that the owner of residential private property containing not more than four (4) residential units shall not be required to comply with the posting requirements of this subsection.

(Ord. No. 12467, § 4, 1-25-11)

Secs. 35-172-- 35-180. Reserved.

(Ord. No. 12171, §1, 10-21-08; Ord. No. 12393, § 1, 5-11-10)

ARTICLE V. AMBULANCES²

Sec. 35-181. Authority to provide service; scope.

The mayor is authorized to do all things necessary to provide emergency ambulance service to the citizens of this city, including but not limited to making of contracts, leases and agreements, purchasing and replacing of equipment, and the hiring and training of personnel, all subject to the approval of the mayor.

(Code 1986, § 35-181; Ord. No. 9654, § 127, 1-6-92)

Sec. 35-182. Fees; method of determination; availability.

(a) There is hereby imposed a charge of one hundred dollars (\$100.00) for emergency ambulance service by the city to be collected per transport or trip, as hereinafter provided, without regard to the number of persons transported in each trip. Each person transported per trip shall be charged a pro rata share of the fee for such trip; provided that, the emergency ambulance service authorized under this article shall also be available to the indigent citizens of this city.

² **Charter reference**--Authority to impose a fee or charge reasonably necessary to the exercise of city powers, § 2.1(2).

Cross reference--Operation of authorized emergency vehicles, § 24-11 et seq.

State law reference--Authority to provide ambulance service as a public service, T.C.A. § 7-61-102.

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(b) In addition to the charge imposed under paragraph (a) of this section, there is hereby imposed the following charges for the respective services:

- (1) Administration of oxygen, ten dollars (\$10.00);
- (2) Cardiac monitoring, twenty-five dollars (\$25.00);
- (3) Intravenous therapy, fifteen dollars (\$15.00), plus ten dollars (\$10.00) for each additional medication;
- (4) Defibrillation, ten dollars (\$10.00);
- (5) Administration of medical anti-shock trousers, ten dollars (\$10.00);
- (6) Administering disposable bag mask, twenty-five dollars (\$25.00);
- (7) Administering endotracheal tubes, five dollars (\$5.00);
- (8) Administering contamination kit, ten dollars (\$10.00);
- (9) Administering disposable laryngoscope, five dollars (\$5.00);
- (10) Administering cervical collars, ten dollars (\$10.00);
- (11) Administering PtL Airway, twenty-five dollars (\$25.00).

(c) If an ambulance is called, but for any reason the response does not result in the transportation of a patient, the basic ambulance response fee for that trip shall be seventy-five dollars (\$75.00) instead of the one hundred dollars (\$100.00) provided for under paragraph (a) of this section.

(Code 1986, § 35-182; Ord. No. 9205, § 1, 8-1-89)

Sec. 35-183. Authority of mayor to negotiate contracts.

The mayor may negotiate and enter contracts to effect the collection of charges for the emergency ambulance service hereby authorized, such contracts to include procedures, fees to be allowed to the contracting party, and such standards of indigency as may be deemed necessary to effectuate the provisions of section 35-182 of this article.

(Code 1986, § 35-183; Ord. No. 9654, §§ 127-128, 1-6-92)

Sec. 35-184. Permission required for ambulances to respond to emergency calls.

It shall be unlawful for any person to drive, operate or have driven or operated any ambulance on the streets of the city on any emergency call where the patient was or is to be

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picked up within the city without having called police headquarters and secured permission to make such emergency call. The sergeant or other person on duty at headquarters shall authorize the first ambulance operator who calls reporting an emergency call to respond to such call, and shall inform all persons who report such call subsequently that it is already being answered.

(Code 1986, § 35-184)

Sec. 35-185. Reports by drivers.

All ambulance drivers shall immediately report to the chief of police all cases of shooting, cutting or other injuries which may constitute a murder or an attempt to murder, which they may be called upon to handle either at the place of the injury or the residence of the injured, giving in such report the number of the residence and the names of the injured persons. It shall also be the duty of all ambulance drivers to report to the chief of police all patients injured in automobile accidents to whom they may be called for professional services.

(Code 1986, § 35-185)

Cross reference--Physicians to report injuries constituting a murder or attempt to murder, § 16-50.

ARTICLE VI. HORSE-DRAWN CARRIAGES

DIVISION 1. IN GENERAL

Sec. 35-186. Definitions.

"Carriage" means any four-wheeled device in, upon or by which any person may be transported and is designed to be drawn by one or more horses.

"Carriage permit" means a permit issued by the Transportation Board for an animal-drawn carriage to transport persons.

"Certificate of public convenience and necessity" (also written as CPCN) as it relates to this article, means a license granted, upon application and approval, by the Transportation Board for the sole purpose of authorizing the certificate holder to provide transportation through an animal-drawn carriage or vehicle and may hold one or more permits as defined under this section.

"Custodian" means a person who has the immediate possession, bailment, custody, use, or control of a horse. For the purposes of this act, the term "custodian" includes a driver.

"Driver" means a person licensed to drive, steer, transport, or operate a carriage or horse used in the horse-drawn carriage trade.

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"Driver permit" means a permit issued by the Transportation Board to drive and operate a horse-drawn carriage.

"For hire horse-drawn carriage" means any vehicle pulled by a horse, mule or other equine regularly engaged in the business of carrying passengers for fee, donation, gratuity or gratis.

"Horse" means any animal of the genus equus which is of a type used for the purpose of driving, pulling, or hauling a carriage. Ponies and Thoroughbreds are not allowed.

"Licensed veterinarian" means a person licensed to practice veterinary medicine and who specializes in equine or large animal medicine.

"Transportation inspector" means the inspector(s) appointed in Section 35-20 of this chapter.

"Transportation Board" means the board established in Section 35-17 of this chapter. (Ord. No. 11378, §1, 02-11-03; Ord. No. 12092, §2, 3-18-08)

Sec. 35-187. Jurisdiction.

The Transportation Board shall have exclusive jurisdiction of the licensing and regulation of horse-drawn carriages. The Transportation Board has the authority, power and duty to enforce the provisions of this Article, provided that nothing in this Section shall be construed to prohibit any court, including the Municipal Court of the City of Chattanooga, from imposing penalties provided by this Code for any violation of this Article.

The actions of the Transportation Board shall be final, subject to such judicial appeal as may be allowed by law. (Ord. No. 11378, §1, 02-11-03; Ord. No. 12092, §2, 3-18-08)

DIVISION 2. CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Sec. 35-188. Required and term.

No horse-drawn carriage shall be used or operated on a for hire basis by any person in the City of Chattanooga without an owner or operator having first obtained a certificate of public convenience and necessity. Each certificate shall be valid for one year and shall be subject to renewal pursuant to the provisions set forth in this article. (Ord. No. 11378, §1, 02-11-03)

Sec. 35-189. Application and fees.

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(a) Upon application and the payment of a fee of one hundred dollars, a person may be issued an annual CPCN certificate to operate a horse-drawn carriage business subject to the approval of the Transportation Board.

(b) All applications for a CPCN certificate shall set forth:

- (1) Name, home address, telephone number, date of birth, and social security number of the applicant(s);
- (2) Business name (D/B/A), business address and telephone number if different from above;
- (3) A list of current drivers employed by the business, with each driver's permit number indicated;
- (4) The form of business of the applicant, i.e. corporation, partnership, sole proprietor. If the business is a corporation or any other form of association, a copy of the documents establishing the business and the name, address, and citizenship of each person with a direct interest in the business;
- (5) A description of any past business experience of the applicant, particularly in providing horse-drawn carriage services. Identification and description of any revocation or suspension of operating authority imposed by any government against any license or permit held by the applicant before the date of filing the application and any litigation related to the operation of the business and accidents involving injury to persons or animals;
- (6) The number and description of carriages the applicant proposes to use in the operation of the service, including any identifying characteristics such as color, style and other markings;
- (7) The number of horses the applicant proposes to use in the operation of the service along with a description and four separate and unobstructed color photographs of each animal (front, each side and rear), and a statement (not more than thirty days old) by a veterinarian certified by the state of Tennessee documenting that the horse has been examined and is approved as serviceable for its use in a carriage rental business and that there has been formulated and implemented a health maintenance plan for each horse. The Transportation Board may by rule require any necessary forms to implement this part;
- (8) A description of the proposed service, including routes, rates or fares to be charged, and schedules, where applicable;

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- (9) The financial ability and responsibility of the applicant as reflected by a financial statement, insurance coverage to be provided, and other pertinent facts which may be required by the Transportation Board. The Transportation Board may by rule designate a specific financial statement to be submitted;
- (10) Whether the applicant has been convicted of a felony within five years prior to the date of application or for any offense related to cruelty or neglect of animals.
- (11) Any additional information, including business references, strategic plans and similar information, as the applicant desires to include to aid in the determination of whether the requested operating authority should be granted;
- (12) Any additional information as the Transportation Board considers necessary to assist or promote the implementation or enforcement of this chapter or the protection of the public safety.

(c) Upon the filing of an application for a certificate of public convenience and necessity and/or a request for additional permits, the Transportation Board shall fix a time and place for a public hearing thereon, as detailed in Section 35-48 of this chapter. Any material misrepresentation in the application shall be a basis for denial of a certificate of public convenience and necessity. If the applicant or any owner of the business having a ten percent (10%) or greater financial interest in the business has been convicted of a felony within five (5) years, the certificate shall be denied.

(d) The Transportation Board shall issue such certificate valid for one year if it finds that the applicant meets all requirements of this article.

(e) If the Transportation Board finds that a certificate should be issued to an applicant, the applicant will be issued a permit for each carriage to be operated.

(f) The action of the Transportation Board in issuing or denying such a certificate shall be final, except as it may be subject to review at law.

(g) An applicant who has been denied a certificate or license by the Transportation Board shall not be allowed to make another application for six months from the date of the denial.

(h) The owner, operator, or custodian of a horse engaged in a horse-drawn carriage service shall have such valid certificate available for immediate inspection by the Transportation inspector, a police officer, or an Animal Services officer at all times when a horse is on any street or public byway.

(Ord. No. 11378, §1, 02-11-03; Ord. No. 12092, §2, 3-18-08)

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Sec. 35-190. Insurance required.

(a) Before any certificate shall be issued by the Transportation Board, or before the renewal of such certificate shall be granted, the applicant shall be required to file an insurance policy and/or certificate of insurance with the Transportation Board evidencing insurance coverage as required in this section.

(b) Insurance coverage as provided in subsection (a) of this section means a policy of public liability insurance issued by an insurance company qualified to do business in the state and naming the City of Chattanooga as an additional insured, with the minimum amount of insurance to be one million dollars per carriage, known as combined single limit insurance coverage. Such policy shall expressly provide that it may not be canceled, except after thirty days written notice to the Transportation Board.

Any changes in insurance coverage must be reported to the Transportation Board immediately.

(Ord. No. 11378, §1, 02-11-03; Ord. No. 12092, §2, 3-18-08)

Sec. 35-191. Certificates, generally.

(a) A certificate must state on its face that it is for the exclusive purpose of operating a for-hire horse-drawn carriage service within the City of Chattanooga. It may also contain other conditions and limitations deemed necessary by the commission, including, but not limited to:

- (1) Number and description of vehicles authorized;
- (2) Number and description of horses to be used;
- (3) Number of passengers that may be safely transported in each vehicle, based on the size of the vehicle and the type of horse pulling the vehicle;
- (4) Places for loading or unloading passengers;
- (5) Hours of operation and/or schedules and routes to be followed;
- (6) Operating procedures;
- (7) The use of special safety equipment;
- (8) The use of special sanitary devices and special care procedures;
- (9) Special conditions or limitations.

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(b) A certificate holder commits an offense if he or she fails to comply with the conditions or limitations placed on the operating authority under which he or she is operating the horse-drawn carriage.

(c) If a certificate holder changes address or telephone number of the service, the certificate holder shall immediately notify the commission director. Failure to do so may result in disciplinary action.

(d) If a carriage that has received a valid certificate under this Article is sold, destroyed, or otherwise taken out of use by the certificate holder, the certificate holder shall have the right to substitute within thirty days after sale, destruction or elimination of the carriage, another carriage of the same or similar type and construction and receive a new carriage identification certificate if the permittee complies with all other requirements of this article, subject to inspection.

Change of ownership of a carriage that has been issued a certificate, will cause such certificate to automatically be revoked and the certificate shall be destroyed or returned to the Transportation Board.

(Ord. No. 11378, §1, 02-11-03; Ord. No. 12092, §2, 3-18-08)

Sec. 35-192. Disciplinary action.

(a) The Transportation Board may place on probation, suspend or revoke a certificate holder if it is determined that the certificate holder, or any driver operating on behalf of the certificate holder, has:

- (1) Made a false statement in the application;
- (2) Failed to comply with provisions of this chapter;
- (3) Operated a service not authorized by the certificate;
- (4) Failed to comply with the conditions and limitations of the certificate;
- (5) Been convicted of a violation of local, state, or federal law, that indicates a lack of fitness of the permittee to perform a passenger transportation service;
- (6) Been convicted of any felony offense while holding the permit;
- (7) Engaged in conduct detrimental to the public safety; or
- (8) Been convicted of any offense involving driving while intoxicated.

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(b) Any certificate holder or applicant convicted of a violation of this chapter or any other local, state or federal law concerning the treatment of animals shall be denied a certificate under this chapter, or such conviction shall form the basis for the suspension or revocation of any certificate granted under this chapter.

(c) A permit or certificate may not be revoked or suspended unless the owner or driver has received notice and had an opportunity to present evidence in his or her behalf. The action of the Transportation Board in suspending a license or permit shall be final, subject to a review at law.

(d) After receipt of notice of suspension, revocation, or denial of certificate renewal, the certificate holder shall, on the date specified in the notice, discontinue driving or operating a horse-drawn carriage for hire inside the City of Chattanooga and shall surrender the written certificate to the Transportation Board.

(Ord. No. 11378, §1, 02-11-03; Ord. No. 12092, §2, 3-18-08)

Sec. 35-193. Records and reports.

(a) Each certificate holder shall maintain at a single location business records of its horse-drawn carriage business. The records must contain the following information:

- (1) An identification of the carriage used for each trip;
- (2) The number of trips made by each carriage on a daily basis;
- (3) An identification of the horse used for each trip and notation of the periods of work and rest for each horse; and
- (4) Any other information the Transportation Board determines necessary for monitoring the activities, operations, service, and safety record of the permittee.

(b) A certificate holder shall make its records available for inspection by the Transportation Board, Transportation Inspector, Animal Services officer or designated officials.

(Ord. No. 11378, §1, 02-11-03; Ord. No. 12092, §2, 3-18-08)

Sec. 35-194. Temporary permits.

(a) Special occasion permits must be obtained by carriage owners, who are not already certificate holders, for such events as weddings, parades, etc. Such a permit shall be applied for in advance of the event by submitting a written application to the Transportation Inspector, accompanied by a \$25 fee. There shall be a limitation of three (3) temporary permits per year per owner.

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- (b) Carriages authorized by a temporary permit under this section:
 - (1) May not be used for more than 3 days, and such permit expires sixty days after it is issued;
 - (2) Must comply with the vehicle requirements of this chapter;
 - (3) Must comply with the insurance requirements of this chapter;
 - (4) Must comply with the requirements for horse care and treatment in this chapter; and,
 - (5) Are subject to inspection by the Transportation Inspector, who may (at any time) order unsafe vehicles or abused/tired/unfit horses to be removed from service.

(c) Any horse-drawn vehicle used in a parade, or like event, must have at least two (2) outwalkers or outriders accompanying it throughout such event.
(Ord. No. 11378, §1, 02-11-03; Ord. No. 12092, §2, 3-18-08)

Sec. 35-195. Rates of fare.

(a) Each certificate holder shall be required to file with the Transportation Board a list of their basic rates thirty days prior to any change. The rate charged by each carriage shall be posted conspicuously within the carriage.

(b) Passengers shall be informed of the rate prior to embarking.
(Ord. No. 11378, §1, 02-11-03; Ord. No. 12092, §2, 3-18-08)

DIVISION 3. HORSE-DRAWN CARRIAGE DRIVERS.

Sec. 35-196. Permit required.

(a) No person shall drive or otherwise operate a carriage engaged in the for-hire horse-drawn carriage service unless he or she has a driver's permit. To qualify for a permit, an applicant must comply with all of the requirements and stipulations of this chapter and any rules and regulations adopted by the Transportation Board.

(b) A person commits an offense if he or she operates a horse-drawn carriage for-hire in the City of Chattanooga without a driver's permit issued by the Transportation Board.

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(c) A business commits an offense if it employs or otherwise allows a person to operate a horse-drawn carriage owned, controlled, or operated by the permittee unless the person has a driver's permit issued by the Transportation Board.

(d) Each permit shall be valid for one year and shall be subject to renewal pursuant to the provisions set forth in this article.

(Ord. No. 11378, §1, 02-11-03; Ord. No. 12092, §2, 3-18-08)

Sec. 35-197. Permit qualifications.

(a) An application for a horse-drawn carriage driver permit and payment of a fee of thirty dollars (\$30.00) shall be filed with the Transportation Board and shall contain the following information:

- (1) The name, residential address, telephone number and date of birth of the applicant. No applicant under eighteen years of age will be approved for a permit;
- (2) The names, addresses, telephone numbers, and signatures of four persons, at least one of whom is a resident of the state of Tennessee, who have known the applicant for a period of at least one year and who will provide information regarding the applicant as specified by the Transportation Board;
- (3) The applicant's experience in the transportation of passengers;
 - (4) The applicant's educational background;
 - (5) The applicant's recent employment history;
- (6) The applicant's residential address for the last five years;
 - (7) Proof of a valid Tennessee driver's license;
- (8) State whether he/she has been convicted of a felony in the last five years or ever been convicted of any offense related to cruelty or neglect of animals;
- (9) An official driver record issued by the Tennessee Department of Safety, no more than thirty days previous to the date of application;
- (10) A statement from company owner stating that individual is adequately trained to operate a carriage of such description, pulled by one/two/four horses, in an urban setting. This training shall include a) a minimum of 24 hours of observation riding with an experienced driver (3 years minimum experience)

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and b) an additional 64 hours of driver training while accompanied by an experienced driver.

- (11) A statement from a licensed physician that certifies that he or she is in good physical condition and is free of defective vision not corrected by eyeglasses or contact lenses, epilepsy, vertigo, or other medical disabilities which may substantially impair his or her ability to operate a horse-drawn carriage or to control a horse; and
- (12) Any other information mandated by the Transportation Board by a rule.

(b) The Transportation Board may designate by rule the requirements of a horsemanship course to be completed by applicants.

(Ord. No. 11378, §1, 02-11-03; Ord. No. 12092, §2, 3-18-08)

Sec. 35-198. Ineligibility for driver's permit.

- (a) The applicant shall be ineligible to receive a permit if:
 - (1) The applicant has been convicted, pled guilty, or pled nolo contendere in the last ten years for any of the following offenses involving bodily injury or death or in the last five years for any of the following offenses not involving injury or death:
 - A. Hit and run,
 - B. Driving under the influence of an alcoholic beverage or drug,
 - C. Reckless or careless driving.
 - (2) No more than four moving violations within the last three years and no more than two moving violations in the last year will be allowed;
 - (3) The applicant has been convicted, pled guilty, placed on diversion, probation or parole, or pled nolo contendere of any felonies within a period of ten years prior to the date of application.
 - (4) The applicant has been found by the Transportation Board or the Municipal Court of the City of Chattanooga to be in violation of two or more sections of the Chattanooga City Code or other ordinances governing the operation of vehicles for hire during a period of two years prior to the date of application.
 - (5) The applicant has been convicted of any local, state or federal law related to cruelty to or neglect of animals.

(Ord. No. 11378, §1, 02-11-03; Ord. No. 12092, §2, 3-18-08)

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Sec. 35-199. Investigation of applicant.

The police department shall conduct an investigation of each applicant for a horse-drawn carriage driver's permit. A report of such investigation and a copy of the traffic and police record of the applicant, if any, shall be attached to the application for the consideration of the Transportation Board.

(Ord. No. 11378, §1, 02-11-03; Ord. No. 12092, §2, 3-18-08)

Sec. 35-200. Permit to be posted.

(a) Upon approval of an application for a horse-drawn carriage driver's permit, the Transportation Board shall issue a permit to the applicant, which shall bear the name, address, age, weight and other information deemed appropriate.

(b) Every driver shall at all times conspicuously display a permit either on the clothing of the driver's upper body (including a neck tag) or upon the carriage.

(Ord. No. 11378, §1, 02-11-03; Ord. No. 12092, §2, 3-18-08)

Sec. 35-201. Denial, suspension, revocation and appeal.

(a) The Transportation Board may deny any applicant's license if it determines that the applicant fails to comply with any requirement of this chapter.

(b) The Transportation Board is hereby given authority to suspend or revoke any horse-drawn carriage driver's permit issued under this article for a driver's failure or refusal to comply with the provisions of this article.

(c) The Transportation Board may not suspend or revoke any permit unless the driver has received notice of the charges against him or her and has had the opportunity to present evidence on his or her behalf. The action of the Transportation Board in suspending a license or permit shall be final, subject to a review at law.

(Ord. No. 11378, §1, 02-11-03; Ord. No. 12092, §2, 3-18-08)

Sec. 35-202. Conduct of drivers.

(a) A driver shall at all times:

(1) Act in a reasonable, prudent, and courteous manner;

(2) Maintain a sanitary and well-groomed appearance;

(3) Not permit a person other than another employee or the owner of the horse-drawn carriage service to operate the carriage under the driver's control;

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- (4) Not permit a person on the back of a carriage horse when the horse is under the driver's control;
- (5) Not leave a horse untethered or unattended except when confined to a stable or other enclosure;
- (6) Not permit a horse to drop excrement from its diaper;
- (7) Keep all carriage stands clean and free of animal excrement;
- (8) Not permit the seating capacity rated for his or her carriage to be exceeded;
- (9) Travel only those routes designated for horse-drawn carriage travel, including special occasion travel routes as approved by the traffic and parking commission;
- (10) Not operate a carriage while under the influence of intoxicating beverages or drugs;
- (11) Not permit a passenger to stand or ride on any part of the carriage other than the designated seating area while the carriages is in motion and to advise the passengers that they must be seated except when loading or unloading;
- (12) Not drink, eat, smoke or talk on a cellular phone (except in emergencies) while carrying passengers or while carriage is in motion;
- (13) Maintain both hands on the reigns and be seated at all times the carriage is in motion and while loading and unloading passengers;
- (14) Not permit the speed at which any horse-drawn carriage is driven to exceed a trot;
- (15) No person shall unbridle a horse while horse is connected to a carriage; and
- (16) Be responsible for the proper and humane care and treatment of each horse under their direct care and supervision.

(b) No person shall drive or operate a horse-drawn carriage on any day or at any time that the Chief of the Chattanooga Police Department makes a specific determination that the horse-drawn carriage trade would be inconsistent with other special events or public safety requirements.

(Ord. No. 11378, §1, 02-11-03)

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DIVISION 4. HORSES, CARRIAGES AND EQUIPMENT.

Sec. 35-203. Requirements for horses in service.

(a) To protect the health and safety of the animal and the public, upon a finding that an animal is sick, injured, lame, malnourished, or in any other condition that renders it unfit for drawing a carriage, the Transportation inspector, an Animal Services officer or a police officer may issue an order that a horse is deemed unfit for work and order it removed from the vehicle and the city streets. To reinstate a horse removed from service, the horse must be examined by a licensed veterinarian and written approval from such veterinarian must be submitted to the Transportation Inspector.

(b) Before any horse may be used in a horse-drawn carriage business, the certificate holder must furnish the Transportation Board with:

- (1) A state certificate of veterinarian inspection identifying the horse by description and with front, rear, right and left photographs and showing that the horse has been examined at least once within the preceding six months by a licensed veterinarian;
- (2) Each horse must be examined at least once a year by a licensed veterinarian. The examination shall encompass that which is consistent with maintaining the health and well-being of the animal. Such examinations should include, but not be limited to, leg and hoof exams, dental exams, eyes, internal parasites, lab reports, and cardiovascular health;
- (3) Proof that the horse has had tetanus, rabies, Influenza, Rhinopneumonitis, and Eastern-Western encephalitis vaccinations;
- (4) A negative Coggins test result; and
- (5) The maximum weight or sized carriage that can humanely be pulled by the horse.

(c) A permittee with a horse used in a horse-drawn carriage must adhere to the following regulations and conditions:

- (1) Be appropriately shod and trimmed, and shall utilize rubber-coated pad or boots or open steel barium tip shoes, or other shoes approved by a veterinarian;
- (2) Inspected and maintained by a farrier at least every eight weeks, or as necessary. Records must be kept by the owner of the dates and the name of the farrier who shod the animal and are subject to inspection.

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If a horse loses a shoe while working, an "easy" type boot may be used to finish the scheduled workday;

- (3) Not have any open or bleeding wound, oozing sore, cut below skin level, or bleeding wound;
- (4) Not have evidence of lameness;
- (5) Have all harnesses properly fitted and in good repair with no deficiencies that create a safety hazard;
- (6) Be properly cleaned with no offensive odors or caked dirt or mud;
- (7) Wear a special sanitary device for containing animal excrement;
- (8) Flies and other insects must be controlled through general sanitation and other necessary means;
- (9) Cannot pull a weight greater than that certified by the licensed veterinarian;
- (10) Not have obvious signs of emaciation, malnutrition, or exhaustion;
- (11) All harnesses, bridles and bits and any other equipment shall be properly fitted and kept in good repair. Blankets, bridles and bits shall not be used on another horse unless it is first disinfected. Harnesses and bridles shall be kept well oiled and cleaned and in good repair;
- (12) Animals requiring veterinary care shall not be moved, ridden or driven, except for the purpose of humane keeping, pasturing or obtaining medical care;
- (13) "Free choice" salt shall be available to all horses in the stabling and/or assembly/transfer sites;
- (14) Carriages shall not be pulled by stallions, pregnant mares, or mares that are within 180 days after foaling;
- (15) Mules or other equine used to pull carriages must meet the same requirements as described for horses;
- (16) Provisions shall be made to catch or immediately pick up any manure deposited by the carriage horses away from the stable or assembly/ transfer sites. The manure shall be returned to the stable or transfer sites for appropriate disposal;

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- (17) Horses shall wear properly attached and fitted blinders while pulling carriages;
- (18) Owner and handlers shall take immediate measures to prevent shivering of horses;
- (19) Owners shall not allow a horse to be worked on a public highway, path or street during adverse weather or other conditions that are a threat to the health or safety of the horse and public. Streets that require the crossing of metal construction plates on the roadway should be avoided; and
- (20) No horses shall be permitted to pull a carriage with a loose shoe.
- (21) Horses must be no less than 4 years of age.
- (22) A trailer shall be used to transport a horse to a job location that is more than three miles from the location where the horse is stabled.

(d) Before a horse may be used to pull a carriage in the City of Chattanooga, the carriage owner must submit a signed statement to the Transportation Board that such horse has been driven with a carriage on urban streets 1) by an experienced carriage driver for a minimum of 80 hours over a 2 month period without passengers and 2) by an experienced carriage driver for a minimum of 60 hours over a 4 month period with passengers.

(Ord. No. 11378, §1, 02-11-03; Ord. No. 12092, §2, 3-18-08)

Sec. 35-204. Animal working conditions.

(a) No animal shall be worked under any of the following conditions, and any owner allowed to let the conditions exist will be found in violation of this article:

- (1) The animal is pulling more people or weight than the limit certified by the licensed veterinarian;
- (2) The animal pulling a carriage is moved at a speed faster than a trot;
- (3) The animal is worked with equipment causing an impairment of vision other than normal blinders;
- (4) The animal is subject to any condition or treatment that will impair the good health and physical condition of the animal;

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- (5) Water must be available before and after each shift. In addition, water shall be offered while working, when appropriate and will not be injurious to the horse;
 - (6) Make sure horses are given proper amounts of water before and after working, and have additional water available if needed;
 - (7) Horses shall not be worked for commercial purposes in extreme temperatures or in adverse weather. When the weather is determined to be adverse, all horses must immediately cease working, be offered shade or shelter when available, be rested and cooled off, and then walked to their stable. All horses so ordered to return to their stable must be unbridled and remain at the stable for at least one hour and until the temperature returns to the appropriate levels;
 - (8) Be provided with daily food and water, free from contamination. Such food shall be wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal;
 - (9) Shall not be overridden or driven to overheating or exhaustion and shall be provided with adequate exercise when not working.
 - (10) Horses shall be housed in an area that is adequate, healthy and humane in size, ventilation and sanitation.
- (b) No animal shall work more than seven (7) hours a day. For purposes of this section, an animal is deemed working whenever it is attached to a horse-drawn vehicle.
- (c) No animal shall work more than five (5) consecutive days without a rest period of at least one day.
- (d) Animal shall be rested for at least 15 minutes after every 2 hours of work.
- (e) No animal can be “nerved” or subjected to any procedure intended to permanently or temporarily block the animals ability to perceive pain.
- (f) No animal shall be worked when the outdoor temperature at the horse’s location exceeds 95 degrees Fahrenheit, or when the combined sum of temperature and humidity exceeds 155, or when the temperature or wind chill factor is below 20 degrees Fahrenheit.
- (g) No animal shall be worked during periods of ice, snow, heavy rain, or other slippery conditions.
- (Ord. No. 11378, §1, 02-11-03)

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Sec. 35-205. Carriage and equipment.

(a) An owner, operator, or custodian of a horse engaged in the horse-drawn carriage shall ensure and certify that the equipment used in the operation of the horse-drawn carriage meets the following standards of this section:

- (1) Provide that the carriage used is in good operating condition, the axles are well-greased, and that all operating mechanisms are in good working order;
 - (2) Provide that the carriage is equipped with hydraulic brakes or band brakes in good working condition;
 - (3) Provide that the saddle, harness, shoes, bridle, and any other equipment for the horse fits properly, is in good working condition, and shall not cause injury or pain to the horse;
 - (4) Not use twisted wire, spurs, bucking straps, flank straps, or similar devices. All bits and other equipment must be humane which are not injurious to the horse;
 - (5) Daily inspect all horses and all equipment at the time of departure from and return to the stable; and
 - (6) Provide that all horses are equipped with a diaper that is constructed of a sturdy material and is properly fitted to the horse to ensure comfort.
- (b) A carriage used in the horse-drawn carriage service shall:
- (1) Have a valid permit conspicuously displayed on the carriage at all times;
 - (2) Be equipped with a slow-moving vehicle emblem attached to the rear of the carriage;
 - (3) Be maintained in a safe and sanitary condition;
 - (4) Not drive or transport more than the intended capacity of the carriage;
 - (5) Display the name and telephone number of the horse-drawn carriage with letters not to exceed three inches or less than one inch in height on the carriage exterior. These signs must be displayed at all times that the carriage is operating for business unless the carriage is being used for a special event, such as a wedding or funeral;

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- (6) Must be equipped with a chemical to be poured over horse urine by drivers each time a horse urinates, so as to break down and eliminate accumulated agents and odors. Such chemical is to be approved by the City's stormwater department;
- (7) Sufficient reflective material must be placed along the shafts of the carriage, or other parts thereof, which normally parallel the body, head or legs of the horse pulling such carriage;
- (8) Be equipped with lights which comply with applicable state law;
- (9) A fully charged backup battery must be readily available and a carriage cannot operate without proper lights; and
- (10) A first aid kit; and,
- (11) A thermometer and hygrometer for reading temperature and humidity.

(c) If, upon any inspection, a carriage is found to be unsafe, unclean or unsightly, Transportation inspector or a police officer may direct that the carriage be taken out of service until such condition is corrected.

(d) The Transportation Board may, by rule, establish additional inspection requirements for a carriage and other equipment used in the horse-drawn carriage service.
(Ord. No. 11378, §1, 02-11-03; Ord. No. 12092, §2, 3-18-08)

Sec. 35- 206. Enforcement by police department.

Officers of the police department and Animal Services shall assist in the enforcement of this chapter. A police officer or Animal Services officer observing a violation of this chapter, or the regulations established by the Transportation Board, shall take necessary action to insure effective regulation of horse-drawn carriage.
(Ord. No. 11378, §1, 02-11-03; Ord. No. 12092, §2, 3-18-08)

Sec. 35- 207. Accidents.

(a) The driver of a horse carriage shall report any accident involving such carriage to the police department. The company shall notify the Transportation Inspector of such accident by nine a.m. on the next business day.

(b) No horse or carriage involved in an accident where structural damage to the carriage or injury to the horse has occurred shall be operated again until the carriage has been inspected by the Transportation Inspector or a police officer and the horse has been certified

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for service in writing by a veterinarian. The company shall present such certification to the Transportation Inspector.

(Ord. No. 11378, §1, 02-11-03; Ord. No. 12092, §2, 3-18-08)

Sec. 35-208. Miscellaneous.

(a) A person commits an offense by harassing or startling, or attempting to harass or startle, any horse while the horse is pulling a carriage or at rest or otherwise treats a horse inhumanely while it is working in a horse-drawn carriage.

(b) No animal shall be made to perform by means of any prod, stick, electrical shock, physical force, or by causing pain or discomfort. Any whip or riding crop must be used so as not to cause injury to the animal whether in or out of service. Light taps are the only acceptable usage.

(c) The certificate holder shall notify the Transportation Board of any carriage horse that dies within twenty-four (24) hours, or if on the weekend or a legal holiday, during the next business day. The Transportation Board, Transportation Inspector, or the Animal Services Director may request that a board certified veterinary pathologist shall perform a necropsy at the expense of the certificate holder. A record of the death and/or necropsy finding shall be filed with the Transportation Board.

(d) The Transportation Board is hereby authorized and empowered to and shall establish taxicab passenger loading zones or stands upon the streets of the City in such places as, in its discretion, it deems proper. The Transportation Board is further authorized to eliminate any taxicab passenger loading zones or stands now in use, or later established. The written approval of the abutting property owners of such places shall be required before the creation of such passenger loading zones or stands. The traffic engineer shall make an investigation of the traffic conditions at such places and shall thereafter file written recommendations with the Transportation Board. The Transportation Board shall abide by these recommendations.

(Ord. No. 11378, §1, 02-11-03; Ord. No. 12092, §2, 3-18-08)

Sec. 35-209. Non-transferability.

A certificate of public convenience and necessity, horse-drawn carriage permit, carriage driver's license, or an identification card is assigned to one person, applicant, carriage or horse, and is not transferable.

(Ord. No. 11378, §1, 02-11-03)

Sec. 35-210. Exception.

Any person who has submitted application for a driver's permit under this article and is driving a for-hire horse drawn carriage at the time of passage of this ordinance, shall have

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six (6) months from the passage of this ordinance to conform with the training requirements listed in Sec. 35-197 (a) (10) above.

(Ord. No. 11378, §1, 02-11-03)

Sec. 35-211-35-239. Reserved.

(Ord. No. 11378, §1, 02-11-03)

ARTICLE VII. PEDAL CARRIAGES AND RICKSHAWS

DIVISION 1. IN GENERAL

Sec. 35-240. Purpose.

It is the purpose of this Article to regulate and control pedal carriages and rickshaws businesses to protect consumers and to ensure the safety of the public, including passengers and drivers operating pedal carriages and rickshaws. It is also the purpose of this Article to minimize the effect of pedal carriages and rickshaws on traffic and congestion by establishing a maximum number of pedal carriages and rickshaws that can be authorized to operate in the City of Chattanooga (the "City"). It is the purpose of this Article to require the inspection of pedal carriages and rickshaws to ensure that pedal carriages and rickshaws are safely operated on the streets of the City, and to provide a process for their removal if they have not been inspected or operated as required.

(Ord. No. 12979, §1, 11-18-08)

State law reference T.C.A. § 55-26-102.

Sec. 35-241. Definitions.

Whenever used in this Article:

Family member shall mean a member of the immediate family, including, but not limited to, a spouse, domestic partner, sibling, child, grandchild, parent or grandparent.

Own, owns or owned shall mean possession with good legal title, or possession under a lease, reserve title contract, conditional sales agreement or vendor's agreement or similar agreement.

Pedal carriage (also known as "quadricycle"), means a nonmotorized bicycle with four (4) or more wheels operated by one (1) or more persons for the purpose of, or capable of, transporting additional passengers in seats or on a platform made a part of or otherwise attached to the pedal carriage. "Pedal carriage" does not include a bicycle with trainer or beginner wheels affixed thereto, nor shall it include a wheelchair or other vehicle with the purpose of operation by or for the transportation of a disabled person, nor does it include a tricycle built for a child or an adult with a seat for only one (1) operator and no passenger. *Rickshaw* (also known as "pedal carriage or pedicab"), means a non-motorized bicycle with three (3) wheels operated by one (1)

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person for the purpose of, or capable of, transporting additional passengers in seats or on a platform made a part of or otherwise attached to the rickshaw. "Rickshaw" does not include a bicycle built for two (2) where the operators are seated one behind the other, nor shall it include the operation of a bicycle with trainer or beginner wheels affixed thereto, nor does it include a wheelchair or other vehicle with the purpose of operation by or for the transportation of a disabled person.

Pedal carriage or pedicab business shall mean a pedal carriage or pedicab owner who operates or authorizes the operation of one or more pedal carriages or pedal carriage or pedicabs in the city of Chattanooga.

Pedal carriage or pedicab permit shall mean a permit issued by the City to engage in or operate a pedal carriage or pedicab business as defined in this Article.

Pedal carriage or pedicab driver shall mean any natural person who propels and operates a pedal carriage or pedicab in the City.

Pedal carriage or pedicab permit shall mean a license issued by the Transportation Board to a pedal carriage or pedicab driver to operate a pedal carriage or pedicab.

Pedal carriage or pedicab owner or owner shall mean any person who owns one or more pedal carriage or pedicabs in the City.

Public park shall mean areas that are open to the public for recreational purposes.

Transportation Board means the board established in Section 35-17 of this chapter.

Transportation inspector means the inspector(s) appointed in Section 35-20 of this chapter.

(Ord. No. 12979, §1, 11-18-08)

Sec. 35-242. Jurisdiction.

(a) The Transportation Board shall have exclusive jurisdiction of the licensing and regulation of pedal carriage or pedicabs. The Transportation Board has the authority, power and duty to enforce the provisions of this Article, provided that nothing in this section shall be construed to prohibit any court, including the Municipal Court of the City, from imposing penalties provided by this Code for any violation of this Article.

(b) The actions of the Transportation Board shall be final, subject to such judicial appeal as may be allowed by law.

(Ord. No. 12979, §1, 11-18-08)

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DIVISION 2. PEDAL CARRIAGE OR PEDICAB BUSINESS PERMIT

Sec. 35-243. Pedal carriage or pedicab business license permit - fee.

(a) It shall be unlawful for a pedal carriage or pedicab owner to operate a pedal carriage pedicab business unless such pedal carriage or pedicab owner shall have first obtained a pedal carriage or pedicab permit from the City. A pedal carriage or pedicab permit shall be valid for a term of one (1) year and shall be subject to renewal pursuant to the provisions set forth in this article.

(b) Any new applicant for pedal carriage or pedicab permit under this article shall be charged an application and investigation fee of One Hundred Dollars (\$100.00) to cover the expense of investigating the applicant, the place of business, and the pedal carriage or pedicabs. There shall be an annual fee for a pedal carriage or pedicab permit in the amount of Fifty Dollars (\$50.00) for each pedal carriage or pedicab permit holder, plus Ten Dollars (\$10.00) per pedal carriage or pedal carriage or pedicab.

(c) The application for a pedal carriage or pedicab permit application shall be verified under oath and shall furnish the following information:

- (1) A list of all pedal carriage or pedicabs owned, leased or controlled by such pedal carriage or pedicab owner for which such owner seeks registration. Each such pedal carriage or pedicab shall be uniquely identified.
- (2) Proof that there is in force for the full license term a policy of public liability and property damage insurance that meets the requirements of Section 35-245 of this Chapter for each pedal carriage or pedicab listed.
- (3) The applicant must list all parties having a ten (10%) percent or greater financial interest in the business on the initial application.
- (4) Such other information as the Transportation Board may require to establish the pedal carriage or pedicab owner's eligibility for a pedal carriage or pedicab business license under this Article.

(d) The Transportation Inspector shall investigate or cause to be investigated each applicant for a pedal carriage or pedicab permit under this article to determine whether or not the applicant has the necessary equipment and facilities to qualify as a pedal carriage or pedicab business, and, if the applicant is qualified. The Transportation Inspector shall report his findings to the Transportation Board and make a recommendation regarding the issuance of a pedal carriage or pedicab permit. The Transportation Board shall direct or make such further investigation as it deems proper to grant or refuse a permit.

(Ord. No. 12092, §41, 3-18-08)

Sec. 35-244. Cap on pedal carriage or pedicabs.

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(a) Six (6) pedal carriage or pedicabs shall be the cap placed upon the issuance of permits for the first year, which thereafter may be changed by the Transportation Board pending a need assessment analysis developed by the planning office, and traffic study developed by the traffic engineer.

(b) The Transportation Board may prescribe by rule the process by which the number of pedal carriage or pedicabs that each pedal carriage or pedicab business can register is determined, consistent with the caps specified in subsections (a) and (b) of this section, including but not limited to, the procedures for the initial application and issuance of pedal carriage or pedicab business licenses. Such selection process may consider whether the applicant has, prior to the enactment of this article, owned or operated a pedal carriage or pedicab and give priority to applicants who can provide proof of such previous ownership or operation of a pedal carriage or pedicab.

(Ord. No. 12092, §41, 3-18-08)

Sec. 35-245. Issuance of pedal carriage or pedicab operating permit.

(a) A pedal carriage or pedicab permit shall be issued only to a person who meets all the requirements of this article and any rules promulgated by the Transportation Board to effectuate the purposes of this article.

(b) A pedal carriage or pedicab permit shall be valid only for the person in whose name it is issued.

(c) The Transportation Board may refuse to issue to a pedal carriage or pedicab owner a pedal carriage or pedicab permit or to renew a pedal carriage or pedicab permit to a pedal carriage or pedicab owner based upon a determination that such applicant has engaged in conduct that would constitute a basis for the suspension or revocation of the permit.

(d) A pedal carriage or pedicab permit shall not be transferred or sold. The Transportation Board shall promulgate rules as to whether, and the extent to which, a pedal carriage or pedicab permit remains valid after any change in the beneficial ownership of a pedal carriage or pedicab business, including, without limitation, any such change resulting from a direct or indirect, voluntary or involuntary, sale or transfer of a beneficial ownership interest.

(Ord. No. 12092, §41, 3-18-08; Ord. No. 12149, §7, 8-5-08)

Sec. 35-246. Insurance required; financial responsibility.

(a) Before any pedal carriage or pedicab permit shall be issued by the Transportation Board or before the renewal of such certificate shall be granted, the applicant shall be required to file an insurance policy and/or certificate of insurance with the Transportation Board evidencing insurance coverage as required in this section.

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(b) Insurance coverage as provided in subsection (a) of this section mean a policy of public liability insurance issued by an insurance company qualified to do business in the state and naming the City of Chattanooga as an additional insured, with the minimum amount of insurance to be one million dollars (\$1,000,000.00) per pedal carriage, known as combined single limit insurance coverage. Such policy shall expressly provide that it may not be canceled, except after thirty (30) days written notice to the Transportation Board. The pedal carriage or pedicab business shall notify the Transportation Board of any modification, amendment, cancellation or substitution of any insurance policy required under this section within fourteen (14) days of the date of the notice to the pedal carriage or pedicab business of such modification, amendment, cancellation or substitution. If the policy of insurance required by this section lapses for any reason the permit issued shall become void for such pedal carriage or pedicab business.

(Ord. No. 12092, §41, 3-18-08)

Sec. 35-247. Required equipment of pedal carriage or pedicabs.

(a) Each pedal carriage or pedicab operated in the City shall be equipped with the following features:

- (1) three (3) or more wheels;
- (2) a unibody frame for the entire vehicle;
- (3) seating for no more than three (3) passengers;
- (4) hydraulic or mechanical disc or drum brakes, which are unaffected by rain or wet conditions;
- (5) a secondary or emergency brake system;
- (6) battery-operated headlights capable of projecting a beam of light for a distance of three hundred (300) feet;
- (7) battery-operated taillights which are visible from five hundred (500) feet;
- (8) turn lights;
- (9) an audible signaling device;
- (10) reflectors on the spokes of the wheels of the pedal carriage or pedicab;
- (11) a timer, of a type approved by the Taxi Inspector, affixed within clear view of passengers, if the rate charged is based on period of use;

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- (12) a sign attached to the interior of the pedal carriage or pedicab within view of passengers indicating the name and telephone number of the pedal carriage or pedicab business, the pedal carriage or pedicab's registration number and a telephone number that can be used to direct consumer complaints about such pedal carriage or pedicab to the department;
 - (13) each pedal carriage or pedicab must be equipped with a regulation size reflective slow moving triangle; and
 - (14) a sign conspicuously posted on the exterior of the pedal carriage or pedicab indicating the amount to be charged for the use of the pedal carriage or pedicab or the basis for calculating such amount.
- (b) The maximum width of a pedal carriage or pedicab shall be fifty-five (55) inches and the maximum length of a pedal carriage or pedicab shall be ten (10) feet.
- (c) It shall be unlawful for a pedal carriage or pedicab business to operate or authorize the operation of, or for a pedal carriage or pedicab driver to operate, a pedal carriage or pedicab that does not comply with the requirements of this section.
(Ord. No. 12092, §41, 3-18-08; Ord. No. 12149, §8, 8-5-08)

Sec. 35-248. Pedal carriage or pedicab registration plate.

- (a) It shall be unlawful for a pedal carriage or pedicab business to operate or authorize the operation of, or for a pedal carriage or pedicab driver to operate, a pedal carriage or pedicab unless:
- (1) The pedal carriage or pedicab has been inspected by the Transportation Inspector's Office;
 - (2) The pedal carriage or pedicab has been issued a registration plate that indicates on such plate, or by a replaceable registration tag or decal, the expiration date of the current registration; and
 - (3) Such registration is in effect.
- (b) The registration shall be valid for a period no longer than one (1) year and the expiration date of such registration plate or replaceable registration tag or decal shall be a date specified by the Transportation Board by rule.
- (c) Such registration plate shall be securely affixed by the department to a conspicuous and indispensable part of each pedal carriage or pedicab.

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(d) The registration plate and the replaceable registration tag or decal shall be of such material, form, design and dimension and set forth such distinguishing number or other identification marks as the Transportation Board shall prescribe.

(e) A pedal carriage or pedicab business shall pay an additional ten dollars (\$10.00) as the re-inspection fee for any pedal carriage or pedicab that is determined upon inspection not to meet the requirements of this section and such business re-applies for a registration plate or replaceable registration tag or decal.
(Ord. No. 12092, §41, 3-18-08)

Sec. 35-249. Records.

Every pedal carriage or pedicab business shall maintain such records related to the ownership and operation of its pedal carriage or pedicabs as the Transportation Board may prescribe by rule. Such records shall be made available for inspection by the Transportation Board at his or her request at either the offices of the pedal carriage or pedicab business or at the offices of the department.
(Ord. No. 12092, §41, 3-18-08)

Sec. 35-250. Pedal carriage or pedicab driver license.

(a) It shall be unlawful for a pedal carriage or pedicab driver to operate a pedal carriage or pedicab unless the pedal carriage or pedicab driver shall have first obtained a pedal carriage or pedicab driver license from the Chattanooga Police Department Regulatory Bureau Transportation Inspector's office.

(b) It shall be unlawful for a pedal carriage or pedicab business to permit the operation of any pedal carriage or pedicabs owned by it by a person who does not have a pedal carriage or pedicab driver license and a motor vehicle driver's license in full force and effect.

(c) In order to obtain or renew a pedal carriage or pedicab driver license, a pedal carriage or pedicab driver shall file an application with the Chattanooga Police Department Regulatory Bureau Transportation Inspector's office for such pedal carriage or pedicab driver license. Such application shall be made upon such form as prescribed by the Transportation Board and Inspector and shall contain such information as the Transportation Board or Inspector may require to establish the applicant's eligibility for a pedal carriage or pedicab driver license under this article. An application for a pedal carriage or pedicab driver permit and payment of a fee of Ten Dollars (\$10.00) shall be filed with the Transportation Board and shall state or contain the following information:

- (1) the applicant is at least eighteen (18) years of age;
- (2) the applicant possesses a currently valid motor vehicle driver's license;

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- (3) the applicant does not have his or her State of Tennessee motor vehicle driver's license suspended or revoked; and
- (4) provide a statement from a licensed medical physician that certifies that he or she is in good physical condition or other medical disabilities which may substantially impair his or her ability to operate a pedal carriage or pedicab.

(d) The Transportation Board may refuse to allow a pedal carriage or pedicab driver license or to renew such a license based upon a determination that such pedal carriage or pedicab driver has engaged in conduct which would constitute a basis for the suspension or revocation of a pedal carriage or pedicab driver license.

(e) The Transportation Inspector shall conduct an investigation of each applicant for a pedal carriage or pedicab driver's license. A report of such investigation and a copy of the traffic and police record of the applicant, if any, shall be attached to the application for consideration of the Transportation Board.

(f) A pedal carriage or pedicab driver license shall be valid for a term of one (1) year. There shall be an annual renewal fee due in the amount of Ten Dollars (\$10.00).

(g) Upon approval of an application or renewal for a driver's permit, the Transportation Inspector may issue a driver's permit for a period not to exceed (60) days. (Ord. No. 12092, §41, 3-18-08; Ord. No. 12149, §§9 and 10, 8-5-08)

Sec. 35-251. Display of pedal carriage or pedicab driver's identification.

(a) The Transportation Board shall provide a photo identification card to each pedal carriage or pedicab driver who has obtained a pedal carriage or pedicab driver's license. Such photo identification card shall include the license number of such pedal carriage or pedicab driver license and the motor vehicle driver's license number of such pedal carriage or pedicab driver, as well as the issuing state of such motor vehicle driver's license.

(b) The pedal carriage or pedicab driver shall wear such photo identification card or place such photo on the pedal carriage or pedicab so that it is visible to passengers and enforcement officers when such pedal carriage or pedicab is operating a pedal carriage or pedicab. (Ord. No. 12092, §41, 3-18-08; Ord. No. 12149, §11, 8-5-08)

Sec. 35-252. Restrictions on the operation of pedal carriage or pedicabs.

(a) A pedal carriage or pedicab driver shall be subject to all provisions of state and local law governing the operation of a bicycle, which include, but are not limited to,

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provisions of the vehicle and traffic law, the Chattanooga City Code, and rules of the City promulgated by the Chattanooga Police Department Regulatory Bureau Transportation Inspector's office or the department of parks and recreation.

- (b) A pedal carriage or pedicab driver shall not:
 - (1) operate a pedal carriage or pedicab to transport more than three (3) passengers.
 - (2) operate a pedal carriage or pedicab in motion while a passenger is standing in such pedal carriage or pedicab.
 - (3) operate a pedal carriage or pedicab on any bridge or in any tunnel or in any bicycle lane.
 - (4) permit a pedal carriage or pedicab to be operated simultaneously by anyone in addition to him or herself.
 - (5) operate a pedal carriage or pedicab that is designed or constructed to permit propulsion by more than one (1) individual at any one time.
 - (6) operate a pedal carriage or pedicab while such pedal carriage or pedicab driver's ability to operate such pedal carriage or pedicab is impaired by the consumption of alcohol, the use of any drug or by any other means or while such pedal carriage or pedicab driver is in an intoxicated condition. A pedal carriage or pedicab driver operating a pedal carriage or pedicab which has been involved in an accident or has been operated in violation of this section shall be deemed to have given consent to a breath test and shall, at the request of a police officer, submit to a breath test to be administered by the police officer. Failure to submit to such breath test shall serve as the basis for an immediate suspension of the pedal carriage or pedicab driver's license, subject to a prompt post-suspension hearing.
 - (7) operate a pedal carriage or pedicab without a currently valid motor vehicle driver's license or while such pedal carriage or pedicab driver's State of Tennessee motor vehicle driver's license is suspended or revoked.

(c) Pedal carriage or pedicabs can be operated within any public park or any property under the charge or control of the Department of Parks and Recreation pursuant to the rules of the Department of Parks and Recreation and in accordance with the rules of the Chattanooga Police Department Regulatory Bureau Transportation Inspector's office.

(d) A pedal carriage or pedicab business shall submit to the Transportation Inspector, upon such form prescribed by the Transportation Inspector, a written report of

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every accident relating to a pedal carriage or pedicab by such pedal carriage or pedicab business within twenty-four (24) hours after the occurrence of such accident. Such form shall be signed by a principal or officer of such pedal carriage or pedicab business as well as by the pedal carriage or pedicab driver involved in such accident with an affirmation of the truth of the contents of the form.

(e) If there are exigent circumstances and a police officer or other authorized officer or employee of any City agency directs a pedal carriage or pedicab driver to move his or her pedal carriage or pedicab from any street, avenue or other location, such pedal carriage or pedicab driver shall not operate his or her pedal carriage or pedicab at such street, avenue or location for the duration of such exigent circumstances. For the purposes of this subsection, exigent circumstances shall include, but not be limited to, unusually heavy pedestrian or vehicular traffic, existence of any obstructions in the public space, an accident, fire or other emergency, a parade, demonstration or other such event at or near such location.

(f) If there are exceptional circumstances, the Transportation Inspector, in consultation with law enforcement official or firefighters', Traffic Engineer's Office or other appropriate officials, shall be authorized, upon notice, to restrict or prohibit any pedal carriage or pedicab driver from operating his or her pedal carriage or pedicab on any street, avenue or other location for a specified period of time. Such specified period of time shall not exceed fourteen (14) days. For the purposes of this section, exceptional circumstances shall include, but not be limited to, unusually heavy pedestrian or vehicular traffic, existence of any obstructions in the public space, a parade, or other such event or occurrence at or near such location.

(g) Every affected community board may, at any time subsequent to enactment of this local law, conduct public hearings hereon and submit written recommendations to the department of consumer affairs, the department of transportation, the police department and the council. Such recommendations may include, but not be limited to, methods to address any impact this law may have on such community with respect to pedestrian and vehicle traffic flow.

(Ord. No. 12092, §41, 3-18-08; Ord. No. 12149, §12, 8-5-08)

Sec. 35-253. Rates of pedal carriage or pedicabs.

(a) The basis for calculating the amount of the charge for the use of a pedal carriage or pedicab shall be displayed on the pedal carriage or pedicab at all times.

(b) It shall be unlawful for a pedal carriage or pedicab driver to charge a passenger more than the amount or rate displayed on the pedal carriage or pedicab. The Transportation Board shall have authority to set the maximum rates for pedal carriages or pedicabs if a pedal carriage or pedicab charges passengers more than the amount or rate displayed on the pedal carriage or pedicab.

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(c) The pedal carriage or pedicab driver shall provide passengers with a receipt listing the amount of the charge for the use of the pedal carriage or pedicab, the license number of the pedal carriage or pedicab business and a telephone number of such business to which complaints by consumers shall be directed, the pedal carriage or pedicab driver's license number and the telephone number at the department where complaints by consumers can be reported.

(Ord. No. 12092, §41, 3-18-08)

Sec. 35-254. Denial of license of renewal, suspension and revocation.

(a) In addition to any of the powers that may be exercised by the Transportation Board pursuant to this section or any section of this article, after due notice and an opportunity to be heard, may suspend or revoke a pedal carriage or pedicab business license upon the occurrence of any one or more of the following conditions:

- (1) the occurrence of fraud, misrepresentation, or false statements contained in the application for such license;
- (2) the operation of a pedal carriage or pedicab, owned by the pedal carriage or pedicab business, by a pedal carriage or pedicab driver who does not have in full force and effect a pedal carriage or pedicab driver license and a motor vehicle driver's license;
- (3) the operation of a pedal carriage or pedicab, owned by the pedal carriage or pedicab business, that has not been inspected or that does not have affixed to it a registration plate or replaceable registration tag or decal as required; or
- (4) violation by a pedal carriage or pedicab business of any of the provisions of this article, rules promulgated pursuant to this article, or any other law applicable to the operation of a pedal carriage or pedicab business.
- (5) the operation of a pedal carriage or pedicab that has not been inspected or that does not have affixed to it a registration plate or replaceable registration tag or decal as required by this chapter; or
- (6) the violation by a pedal carriage or pedicab driver of any of the provisions of chapter.
- (7) Any pedal carriage or pedicab business that has been found, or pedal carriage or pedicab driver who has been found, to have committed at least three (3) violations of this article within any twelve (12) month period shall have its, his or her license or operational permit suspended by the Taxi Board for a period of not less than three (3) months.

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- (8) A pedal carriage or pedicab business that, or pedal carriage or pedicab driver who, has had its, his or her license revoked, in accordance with this section may not apply for a new license or operational permit for three years from the date of revocation.

(b) Notwithstanding, upon the occurrence of any of the conditions set forth in subsection (a), if the Transportation Board determines that continued possession by a pedal carriage or pedicab owner of a pedal carriage or pedicab business license would pose an exigent danger to the public, the Transportation Board may suspend or revoke such pedal carriage or pedicab business license or operational permit, subject to a prompt post-suspension or revocation hearing.

(Ord. No. 12092, §41, 3-18-08; Ord. No. 12149, §13, 8-5-08)

Sec. 35-255. Failure to display pedal carriage or pedicab registration or pedal carriage or pedicab driver's license.

(a) In any civil, criminal or administrative action or proceeding, the failure to display the registration tag or decal on the pedal carriage or pedicab on which it is required to be displayed as provided shall be presumptive evidence that such pedal carriage or pedicab has not been inspected and is not duly registered as required by this subchapter.

(b) In any civil, criminal or administrative action or proceeding, the failure by a pedal carriage or pedicab driver who is required to be licensed and permitted pursuant to the provisions of this article to display or to exhibit on demand such pedal carriage or pedicab driver's license and permit in accordance with the provisions of this article to any officer or employee authorized to enforce the provisions of this article, shall be presumptive evidence that such pedal carriage or pedicab driver is not duly licensed or properly permitted.

(Ord. No. 12092, §41, 3-18-08)

Sec. 35-256. Enforcement.

The Transportation Inspector and all police officers of the Chattanooga Police Department shall have the power to enforce any provision of this article or any rule or regulation promulgated pursuant to this article.

(Ord. No. 12092, §41, 3-18-08)

Sec. 35-257. Rules.

(a) The Transportation Board may make and promulgate such rules and prescribe such forms as are necessary to carry out the provisions of this article.

(b) Any pedal carriage or pedicab must stay at least ten (10) feet from any horse drawn carriage.

(Ord. No. 12092, §41, 3-18-08)

Sec. 35-258. Reporting.

Eighteen (18) months after the local law that added this article, the Transportation Board, in consultation with the Transportation Inspector, the Police Department and the Traffic Engineers office, shall submit a report to the Mayor and the Chairman of the Council regarding the effectiveness of these regulations at ensuring the safety of pedal carriage or pedicab consumers and minimizing the effects of pedal carriage or pedicabs on traffic and congestion. Such report shall include, among other things, the number of pedal carriage or pedicab business licenses issued, the number of pedal carriage or pedicabs that have registered, and the number of traffic accidents involving pedal carriage or pedicabs.

(Ord. No. 12092, §41, 3-18-08)

Sec. 35-259. Operation of Pedal carriage or pedicabs; Pedal carriage or pedicabs Using Sidewalks or Public Parks.

(a) A pedal carriage or pedicab shall not block, stand or park on any sidewalk at any time.

(b) A pedal carriage or pedicab shall not be driven or operated on or over any portion of any sidewalk except as necessary to proceed through an intersection.

(c) A pedal carriage or pedicab shall not be driven or operated on or in any public park.

(d) It shall be unlawful for any person to wash or cause to be washed any pedal carriage or pedicab on any street or sidewalk in the city.

(e) Pedal carriages and pedicabs shall yield to pedestrians or bicycles when operating on or through any sidewalk or intersection.

(f) It shall not be unlawful for a pedal carriage or pedicab to operate on any designated bicycle route on a public street.

(g) A pedal carriage or pedicab driver may walk a pedal carriage or pedicab on sidewalks for purpose of parking the pedal carriage or pedicab.

(Ord. No. 12092, §41, 3-18-08; Ord. No. 12149, §§14 and 15, 8-5-08)

Sec. 35-260. Manufacturers' Certificate.

The owner of the pedal carriage or pedicab business shall provide the Transportation Board, for each pedal carriage or pedicab that will be used in the business operation, a certificate provided by the manufacturer showing that the pedal carriage or pedicab is designed for commercial use.

(Ord. No. 12092, §41, 3-18-08)

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Sec. 35-261-35-269. Reserved.

DIVISION 3. ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES (SEGWAYS)

Sec. 35-270. Definitions.

Electric personal assistive mobility device or "EPAMD" or segway means a self-balancing, two (2) non-tandem wheeled device, designed to transport only one (1) person, with an electric propulsion system with average power of seven hundred fifty (750) watts or one horse power (1 hp.), whose maximum speed on a paved level surface, when powered solely by such a propulsion system while ridden by an operator who weighs one hundred seventy pounds (170 lbs.), is less than twenty miles per hour (20 mph). Notwithstanding any other provision of law to the contrary, an EPAMD shall not be considered to be a "vehicle," "motor vehicle," "passenger motor vehicle," "passenger car," "motorcycle," "motorized bicycle," "motor bicycle," "motor-driven cycle," "motor scooter" or "all-terrain vehicle" within the meaning of the laws of this state and no provisions of law relating to vehicles, motor vehicles, passenger motor vehicles, passenger cars, motorcycles, motorized bicycles, motor bicycles, motor-driven cycles, motor scooters or all-terrain vehicles shall apply to EPAMDs unless specified in this chapter, including, but not limited to, any provisions of chapter 12, part 1 of this title and any provisions of law relating to motor vehicle registration, licensing, operation or equipment.

Permit for the purposes of this Division shall mean a permit to operate EPAMDs to transport passengers for hire.
(Ord. No. 12092, §41, 3-18-08)

Sec. 35-271. Regulation of EPAMDs.

(a) The regulation and operation of EPAMDs shall be governed exclusively by the provisions of this chapter.
(Ord. No. 12092, §41, 3-18-08)

Sec. 35-272. Operation.

(a) Nothing in this chapter or in any other law of this state shall be construed to limit the operation of an EPAMD on the public highways, sidewalks, bike trails and bicycle routes of this state except as otherwise set forth in this chapter.

(b) A person operating an EPAMD shall obey all speed limits for motor vehicles and shall yield the right-of-way to pedestrians and human powered devices at all times.

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(c) Notwithstanding any other provision of this chapter to the contrary, the department of transportation shall have the authority to regulate or prohibit the operation of EPAMDs on any highway within its jurisdiction if it determines that such regulation or prohibition is necessary in the interest of public safety. T.C.A 55-53-104.
(Ord. No. 12092, §41, 3-18-08)

Sec. 35-273. EPAMDs; Permit required to transport passengers for hire.

No person shall operate or permit an EPAMD(s) on the streets, roads, public highways, parks or public places of the City of Chattanooga as regulated by this Chapter without having first obtained a certificate of public convenience and necessity from the Transportation Board.
(Ord. No. 12092, §41, 3-18-08)

Sec. 35-274. Application.

(a) An application for a certificate of public convenience and necessity to operate a an EPAMD(s) on the streets, roads, public highways, parks or public places of the City of Chattanooga as to transport passengers for hire or business to shall be filed with the Transportation Board upon forms provided by the Transportation Inspector(s) and upon the payment of a nonrefundable fee of one hundred dollars (\$100.00) plus fifty dollars (\$50.00) per EPAMD. A renewal application and a fee of fifty dollars (\$50.00) plus ten dollars (\$10.00) for each EPAMD(s) shall be filed on or before the annual renewal date of the certificate of public convenience and necessity. Such application shall be verified under oath and shall furnish the following information:

- (1) The name and address of the applicant.
- (2) The financial status of the applicant, including the amounts of all unpaid judgments against the applicant and the nature of the transaction or acts giving rise to such judgments.
- (3) The experience of the applicant in the transportation of passengers.
- (4) Any facts which the applicant believes tend to prove that public convenience and necessity require the granting of the certificate.
- (5) The number of EPAMD(s) and their make and year models to be operated or controlled by the applicant and the location of proposed depots and terminals.
- (6) Whether or not the applicant has been convicted of a felony within three (3) years.
- (7) Such further information as the Transportation Board may require.

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(b) The application to operate EPAMD(s) shall state the number of EPAMDs that shall be made available to transport passengers for hire.

(c) If an application is incomplete, it shall be returned to the applicant for completion prior to being acted upon.

(d) Each application shall be signed by the owner(s) or duly authorized officer, which shall be deemed to be a certification that the information on the application is accurate. Any material misrepresentation made on an application shall be grounds for revocation of the certificate.

(Ord. No. 12092, §41, 3-18-08)

Sec. 35-275. Public hearing.

Upon the filing of an application for a certificate of public convenience and necessity and/or a request for additional permits to operate EPAMD(s) to transport passengers for hire, the Transportation Board shall fix a time and place for a public hearing thereon, to be not less than thirty (30) days after receipt of the application or request. Notice of such hearing shall be given to the applicant and to all persons to whom certificates of public convenience and necessity have been theretofore issued. Due notice shall be given the general public by posting a notice of such hearing in the morning and evening newspapers at least three (3) days, but not more than five (5) days prior to the public hearing. Any person may file with the Transportation Board a memorandum in support of or opposition to the issuance of a certificate of public convenience or a request for additional permits. The Transportation Board may call special meetings for the consideration of new certificates of public convenience and necessity and/or applications. The Transportation Board shall adopt procedures to govern the consideration of such applications.

(Ord. No. 12092, §41, 3-18-08)

Sec. 35-276. Issuance.

(a) If the Transportation Board finds that an applicant is qualified to operate EPAMD(s) to transport passengers for hire, and that the applicant is fit, willing and able to perform such public transportation and to conform to the provisions of this article, the Transportation Board shall issue a certificate, stating the name and address of the applicant, the number of vehicles authorized upon such certificate and the date of issuance; otherwise, the application shall be denied. Provided that should the application be incomplete, the Transportation Board shall not issue a certificate of public convenience and necessity until any omissions are cured. Any material misrepresentation in the application shall be a basis for denial of a certificate of public convenience and necessity. If the applicant or any owner of the business having a ten percent (10%) or greater financial interest in the business has been convicted of a felony within three (3) years, the certificate shall be denied.

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(b) The action of the Transportation Board in issuing or denying such a certificate shall be final, except as it may be subject to review at law.
(Ord. No. 12092, §41, 3-18-08)

Sec. 35-277. Proof of financial responsibility required.

No certificate of public convenience and necessity shall be issued or continued in operation of EPAMD(s) under this Chapter unless there is in full force and effect proof of financial responsibility for each vehicle authorized in an amount in accordance with the minimum limits set by the law of the State of Tennessee for financial responsibility of owner and operator of EPAMD(s) or as required by the Transportation Board. Such security shall inure to the benefit of any person who shall be injured or who shall sustain damage to property proximately caused by the negligence of a holder, his servants or agents. Proof of financial responsibility shall be established in accordance with standards set by the laws of the State of Tennessee or the Transportation Board. Proof of financial responsibility shall be filed with the Transportation Board and Inspector(s) and shall have as a surety thereon a surety company authorized to do business in the State of Tennessee or a certificate of self-insurance issued by the Commissioner of Safety.
(Ord. No. 12092, §41, 3-18-08)

Sec. 35-278. Insurance; financial responsibility.

(a) Before any certificate shall be issued by the Transportation Board or before the renewal of such certificate shall be granted under this Division, the applicant shall be required to file an insurance policy and/or certificate of insurance with the Transportation Board or evidencing insurance coverage as required in this section. The operator of EPAMD(s) shall notify the Transportation Board of any modification, amendment, cancellation or substitution of any insurance policy required under this section within fourteen (14) days of the date of the notice to the pedal carriage or pedicab business of such modification, amendment, cancellation or substitution. If the policy of insurance required by this section lapses for any reason the permit issued shall become void for such pedal carriage or pedicab business.
(Ord. No. 12092, §41, 3-18-08)

Sec. 35-279. Stoppage system; illumination and visibility

An EPAMD shall be equipped with a system that when employed will enable the operator to bring the device to a controlled stop and, if the EPAMD is operated between one half (½) hour after sunset and one half (½) hour before sunrise, front, rear and side reflectors and a lamp emitting a white light which, while the EPAMD is in motion, illuminates the area in front of the operator and is visible from a distance of three hundred feet (300') in front of and from the sides of the EPAMD; provided, however, that the provisions of this section requiring the use of reflectors and a lamp during the period between one half (½) hour after

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sunset and one half (½) hour before sunrise shall be deemed to be satisfied if the operator of the EPAMD wears a personal headlight and reflectors.

(Ord. No. 12092, §41, 3-18-08)

State law reference T.C.A. § 55-53-103.

Sec. 35-280. Transfer.

No certificate of public convenience and necessity to operate EPAMD(s) may be sold, assigned, mortgaged or otherwise transferred, nor there any modification of ownership as to stock transfer, new or additional partners, etc., by a holder of a certificate of public convenience and necessity without the consent of the Transportation Board. Provided that in the event of a death of a permit holder, the certificate may be devised to or inherited by a spouse or child, and they shall be granted a certificate by the Transportation Board providing they are otherwise qualified for the certificate.

(Ord. No. 12092, §41, 3-18-08)

Sec. 35-281. Suspension and revocation.

(a) A certificate of public convenience and necessity issued under the provisions of this division may be revoked or suspended by the Transportation Board if the permit holder thereof has:

- (1) Violated any of the provisions of this article.
- (2) Discontinued operations for more than five (5) days.
- (3) Has violated any provision of this Code or other Chattanooga ordinance or the laws of the United States or the State of Tennessee, the violations of which reflect unfavorably on the fitness of the holder to offer public transportation.
- (4) Has charged a passenger rates found to be excessive by the Transportation Board.

(b) Prior to suspension or revocation, the holder shall be given notice of the proposed action to be taken and shall have an opportunity to be heard. The actions of the Transportation Board at such hearing shall be final subject to review at law.

(Ord. No. 12092, §41, 3-18-08)

Sec. 35-282. Restrictions on use.

Notwithstanding any other provisions of this Chapter to the contrary, the Police Chief or Traffic Engineer may restrict, limit or exclude the operation of EPAMDs if necessary in the interest of public safety or in the interest of the preservation of natural areas, public or

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private property or historic sites to the same extent as bicycles are restricted, limited or excluded.

(Ord. No. 12092, §41, 3-18-08)